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**CONNECTICUT
GENERAL ASSEMBLY
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Mr. Clerk.

THE CLERK:

Calendar page 212, Calendar Number 387, File Number 541, substitute for Senate Bill 212, AN ACT CLARIFYING THAT THE MOTOR VEHICLE TAX EXEMPTION FOR MEMBERS OF THE ARMED FORCES APPLIES TO VEHICLES JOINTLY OWNED WITH A SPOUSE, Favorable Report of the committee on Veterans and Finance, Revenue and Bonding.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes, Mr. President.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, sir, would you like to remark further?

SENATOR MAYNARD:

Yes.

This bill would simply make a clarification and actually extend a property tax exemption that's already permitted for members of the armed forces to the one vehicle that is currently is eligible -- that

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is currently eligible for a property tax exemption if it is jointly owned by a spouse.

That's -- it's a very simple, straightforward bill, and I would encourage passage.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 212?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

The Clerk has an amendment which is LCO 3798. I would ask the Clerk to call the amendments, and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Clerk LCO 3798, which will be designated
Senate Amendment Schedule "A," it is offered by Senator Kane of the 32nd District, et al.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I move adoption.

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THE CHAIR:

Would you like to speak on adoption, sir?

SENATOR KANE:

Sure.

THE CHAIR:

Please proceed.

SENATOR MAYNARD:

Basically, this amendment came to me in my district about a year ago. I had a sweet old gentleman who served our country probably in World War II whose records of his -- what is known as a DD214 shows that you've been honorably discharged from the services were burned in a fire in St. Louis, Missouri.

This gentleman cannot get access to those records, obviously, because they've been destroyed. We all know that in our towns and our communities, we have a property tax exemption for veterans who have served our country greatly.

His again, the problem is he cannot provide that -- that paperwork.

So what this does is it allows -- with the absence of a discharge or the absence has occurred as the result of a destruction of a fire or other natural

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disaster, a claimant 70 years or older, which would be World War II or so forth, be submitting a notarized statement attesting that he or she was honorably discharged from the service.

I move adoption.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment "A"?

Senator Maynard.

SENATOR MAYNARD:

Yes. Thank you, Mr. President.

I would regard this as a friendly amendment and encourage all members to support the amendment and the underlying bill.

THE CHAIR:

Thank you, sir.

Would anyone like to speak with respect to Senate Amendment "A" on a friendly amendment?

If not, I will try your minds.

All those in favor, please signify by saying aye. Opposed, nay. The ayes have it. The amendment carries.

Will you remark further on Senate Bill 212 as amended by Senate "A"?

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Senator Maynard.

SENATOR MAYNARD:

Yes, thank you, Mr. President.

I would ask if there's not objection that this be
added to the consent calendar.

THE CHAIR:

There's a motion on the floor to place this
amended bill on the consent calendar.

Seeing no objection, sir, it will be placed on
the consent calendar.

Mr. Clerk.

THE CLERK: :S

Calendar page 19, Calendar Number 84, File
Number 81, substitute for Senate Bill 118, AN ACT
CONCERNING CONNECTICUT-QUALIFIED BIODIESEL PRODUCER
GRANTS, Favorable Report of the Committee on
Environment and Commerce and Export.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thanks, Mr. President.

I move acceptance of the Joint Committee's
Favorable Report and passage of the bill, please.

THE CHAIR:

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Acting on approval and acceptance, sir, would you like to remark further?

SENATOR MEYER:

I would, Mr. President.

THE CHAIR:

Please proceed.

SENATOR MEYER:

Thank you.

Colleagues, this bill relates to a great new emerging industry for our state, and that is biodiesel, and we passed in the last couple of years legislation which permits grants from a fund, a fund called the Connecticut Qualified Biodiesel Product Incentive Account to people who are engaged in the biodiesel manufacturing and distribution business

That -- that law that we passed did not relate to startup companies which were not yet producing biodiesel. It related only to actual operating companies which were already producing biodiesel.

And it came to the attention of the Environment Committee that there were some startup biodiesel companies that would -- should take advantage of this grant.

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And indeed one of them in the City of New Haven got a grant under this account of \$1.2 million until it was discovered that it was a startup company and therefore didn't qualify for it.

And so the bill as before us this afternoon extends the biodiesel grant program not just to actual operating companies but to startup companies as well, and we have two amendments, and I'd like to over the first, please

If the Clerk could kindly call LCO 3544.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3544, which would be designated Senate
Amendment Schedule "A," it's offered by Senator
Meyer, 12th District

SENATOR MEYER:

Mr. President, I move the amendment and ask permission to summarize briefly.

THE CHAIR:

Please proceed, sir

SENATOR MEYER:

Colleagues, this amendment, this brief

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amendment, makes it sure that the grants apply to -- to biodiesel companies -- I'm quoting that are not yet actively engaged in the production of biodiesel provided such qualified biodiesel producer has a contract or an approved application pending with the Department of Economic and Community Development.

So that's all this amendment does, and I urge its passage.

THE CHAIR:

Thank you, sir.

Would you like to remark further on Senate Amendment "A" to Senate Bill 118?

Senator McKinney.

SENATOR MCKINNEY:

Thank you. Mr. President, through you, a question to the proponent of the amendment.

THE CHAIR:

Senator Meyer.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator Meyer, does this increase the amount of grant awards that will be awarded or does this just simply expand the universe of individuals or companies

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eligible for such grants?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, to Senator McKinney, no, there is no increase in the amount of account -- of the grants in the account. This is within the same amount, and I believe there's a funding of this account right now at about \$5 million.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Great. Thank you very much, Senator.

THE CHAIR:

Remark further on Senate "A"? Will you remark further on Senate "A"?

If not, I will try your minds. All those in favor, please signify by saying aye. Oppose, nay. The ayes have it. Senate Amendment "A" is passed.

Senator Meyer.

SENATOR MEYER:

Yes, Mr. President.

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Would the Clerk kindly call Senate Amendment "B,"
which is LCO 3729.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3729, which will be designated Senate
Amendment Schedule "B." It is offered by Senator
Meyer, the 12th District, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

And Mr. President, for purposes of a yield, I
would like to yield on this amendment --

THE CHAIR:

Why don't we --

SENATOR MEYER:

-- to Senator Stillman.

THE CHAIR:

Okay.

Senator Stillman, do you accept yield.

SENATOR STILLMAN:

Yes, I do.

THE CHAIR:

Thank you. Please proceed.

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SENATOR STILLMAN:

Thank you, Mr. President.

To -- thank you for calling the amendment --

THE CHAIR:

Someone has to move the amendment.

SENATOR MEYER:

I move the amendment.

THE CHAIR:

Thank you, ma'am. Please proceed.

SENATOR STILLMAN:

Appreciate that.

Now that it's properly before us, if I may quickly explain it, what this amendment does is it extends an existing project that is in place in Southeastern Connecticut. It has to do with RGGI credits, which were the Regional Greenhouse Gas Initiative, which Connecticut is a part of, that were instituted a couple of years ago.

There's one plant left in Connecticut that has a long-term contract with CL&P, and in order for them to continue to provide electricity and to employ 60 people and be part of the grid, what this amendment does is just extend it for the life of that contract with CL&P, which is just for another two years.

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This was a recommendation of the previous DEP commissioner, Commissioner McCarthy, especially since there is not a greenhouse gas bill in front of Congress at this time.

So with that, I urge its adoption. Thank you.

THE CHAIR:

Thank you, ma'am.

Remark further on Senate Amendment "B"? Will you remark further?

If not, I will try your minds.

All those in favor, please signify by saying aye. Opposed, nay. The ayes have it. Senate Amendment "B" passes.

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

That is the bill as amended, and if there are no other questions and no objection, I would ask that it go on the consent calendar, please.

THE CHAIR:

There is a motion on the floor -- excuse me, Senator -- Senator LeBeau, you stand up for a purpose

SENATOR LeBEAU:

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I have no objection, Mr. President, but I just wanted to compliment the author of the bill. This is an important bill.

As you cited, there's potential for an industry here in Connecticut in biodiesel fuel, and the law that we had on the books did not allow for that, the development of that biodiesel industry.

Today's bill will allow for that development, and it's just a good work on the part of the Environment Committee working with other committees and legislature to ensure that this happens.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Meyer, I believe you had a motion on the floor for --

SENATOR MEYER:

I do. I want to thank the Chairman of the Commerce Committee --

THE CHAIR:

Okay.

SENATOR MEYER: -- for those good business comments he made.

And the request I made, if there is no objection,

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to put this on our consent calendar.

THE CHAIR:

There's a motion on the floor to place Senate
Bill 118 as amended by Senate "A" and "B" on
consent.

Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, for --

Some additional markings. First of all,
Mr. President on the foot of the calendar, calendar
page 30, Calendar 116, Senate Bill Number 60 from
the Banks Committee, we'd move to remove that item
from the foot and to mark it passed, retaining its
place on the calendar.

THE CHAIR:

Without objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, also another -- a bill to place
on the consent calendar. That is calendar page 13,
Calendar 389, Senate Bill 430, from the Finance,
Revenue and Bonding Committee, and I would move to
place that item on the consent calendar.

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THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President -- and the next two items to mark as go, first is calendar page 14, Calendar 418, House Bill 5235 from the Insurance and Real Estate Committee.

And second is calendar page 21, Calendar 138, Senate Bill 107 from the Commerce Committee.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Calendar page 14, Calendar 418, File 217,
substitute for House Bill 5235, AN ACT REQUIRING
THE PROVIDING OF CERTAIN INFORMATION UPON CERTAIN
DENIALS OF HEALTH INSURANCE COVERAGE, Favorable
Report of the Committee on Insurance.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. If we might stand at ease for just a moment.

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THE CHAIR:

The Senate will stand at ease.

THE CHAIR:

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. If we might proceed on that item.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, my apologies to the Chair and members of the circle.

I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval, sir, would you like to remark further?

SENATOR CRISCO:

Yes, Mr. President, and members of the circle.

Unfortunately, in the past we've had reports of people being informed that they do not have coverage for a certain procedure, and then a couple days later being told that they do have coverage, and then

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speaking on the phone to insurance company
representatives that they don't have coverage.

So we had an unfortunate incident where an
individual had a very serious procedure to schedule
because of a major illness, and the person went
through an extreme amount of -- of lack of knowledge
whether or not they had coverage or did not have
coverage.

This bill requires certain health insurers who
deny coverage of a requested service because it is not
medically necessary or a covered benefit to notify the
insured of his or her ability to contact the Office of
Healthcare Advocate if the -- if the insured believes
he or she has been given erroneous information.

Insurers must provide the information to the
insured with the appropriate contact. That is, it
really creates more of a confirmation of what really
the coverage is, Mr. President.

Thank you, sir.

THE CHAIR:

Remark further on House Bill 5235.

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President.

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Speaking very briefly in favor of the bill, it was a pleasure for me and other members of the Insurance Committee to support this bill, because as Senator Crisco pointed out, it's really designed to inform the insurance-buying public and consumers of the rights that they have and, frankly, the access that we as a state make available to them in terms of resources to whom and to which they can turn in the event that they're denied coverage.

We've created a system of safeguards and of protections for the insurance--buying public in the event that coverage is denied.

And I think one of the advantages of this bill is that we're helping to make consumers more aware of those resources which we have made available to them.

By making them aware of it, I think they're in a better position to avail themselves of those services and ultimately protect themselves from decisions that may have been wrongly made.

And for those reasons, I was happy to support the bill in the Insurance Committee and look forward to voting in favor of it this evening.

Thank you, Mr. President.

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Thank you, sir.

Will you remark further on House Bill 5235? Will
you remark further on House Bill 5235?

If not, Mr. Clerk -- Senator Crisco, do you want
to place this on the consent calendar?

SENATOR CRISCO:

Yes, Mr. President. I wasn't aware there was
a consent calendar.

THE CHAIR:

We always do on special days like this.

SENATOR CRISCO:

I know, I know, but such a brief calendar. If
there's no objection, I would request it be placed
on the consent calendar.

THE CHAIR:

There's a motion by Senator Crisco to place
this item on the consent calendar.

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 21, Calendar Number 138, File
189, substitute for Senate Bill 107, AN ACT
ESTABLISHING A BRADLEY DEVELOPMENT ZONE, Favorable
Report of Committees on Commerce and Export and

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Transportation.

The Clerk is in possession of amendments.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Mr. President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Acting on acceptance and approval, sir, would you like to remark further

SENATOR LeBEAU:

Yes, Mr. President.

The Clerk has an amendment, LCO Number 3949. May he call it and if I may be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3949 which, will be designated Senate
Amendment Schedule "A." It is offered by Senator
LeBeau, et al.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU: Thank you, Mr. President.

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This amendment is a strike-all amendment. It essentially becomes the bill.

And what the bill does with this amendment is to establish an enterprise zone or Bradley Development Zone in the four towns surrounding Bradley in certain census blocks that are contiguous to the airport.

This is a bill that we worked on for a couple of years. Senator Kissel has been involved, Senator Frantz, local -- the members of -- Representative Berger, members of our committee, representatives from all four towns.

And essentially what it does is that it provides some incentives for communities -- for those communities to offer to businesses that would move into this newly defined development zone, and in doing so, it recognizes the potential of Bradley International Airport, that there could be tremendous synergies that could take place with development of Bradley and the growth of Bradley Airport as an international and as a national center for transport.

We've seen good news from Bradley in the last few weeks. We intend to see more in the future, and we know that by developing both outside the fence and inside the fence, the airport itself and the -- and

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the area around it, that this can become a driver of economic development in north central Connecticut and indeed for the entire State of Connecticut.

Those -- those benefits are essentially up to a tax abatement for facilities improvements on machinery and equipment and a tax credit against the corporate tax for those companies that move into this zone.

We think that this amendment and this -- what is now the bill can provide a very important stimulus to the economy of the State of Connecticut.

I'll stop right there. Thank you, Mr. President.

THE CHAIR:

Remark on Senate Amendment "A."

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

I was happy to defer to Senator Frantz as the ranking member on Commerce, but let me stand, and I know that we're on the amendment but the amendment becomes the bill, and I wanted to make my remarks at this point in time and to really commend the hard work put into this particular amendment which becomes the bill by Senator LeBeau, Senator Frantz.

We actually -- the three of us and local

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officials met over at Office of Policy and Management to try to work out some of the details with Secretary Robert Genuario.

This particular measure has gone to some degree past the executive branch and addressed all of their concerns.

I'm hoping with a very, very modest fiscal note, Senator Daily, Senator DeFronzo and the other esteemed members of this circle who sit on the Finance Committee will find nothing objectionable in this bill.

There are safeguards such that the Department of Economic and Community Development will have to view these initiatives as being net positives to the State of Connecticut such that any tax benefits that would insure to the benefit of these businesses expanding and growing around Bradley International Airport would create commerce and development such that the State of Connecticut would be a net winner as far as our revenues and tax lows.

In particular, as I represent all of the communities, all of the communities that touch Bradley International Airport, and those are Windsor Locks and

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Suffield and Windsor and East Granby, each one of those four towns which I represent have had input into this process and are looking forward to this process.

Bradley International Airport, the second largest airport in New England, is what I call one of our crown jewels, and I know that on occasion, individuals looking for revenue sources have said perhaps we should sell off Bradley International Airport, and I believe that that would be extraordinarily shortsighted.

What we need to do is we need to recognize that Bradley International Airport is a fantastic asset that we should leverage and try to use all its beneficial impacts to the greatest benefit of north central Connecticut but also all of Connecticut.

You know what was interesting was when we had the debate -- when Washington was thinking of closing the submarine base down in New London. I was amazed to see as part of their push to save that the ripple effects that that base had throughout the entire economy of the State of Connecticut.

Indeed, there's Diana's Bakery in Thompsonville and Enfield Connecticut, and Enfield borders on Massachusetts, and I -- it was brought to my attention

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as that debate was going on down state and in Washington, D.C. that our -- one of our businesses, a very modest business, Diana's Bakery, had a contract with the base down there and provided them baked goods on an almost daily basis.

So that is above and beyond the shops and the machine shops and the tool shops and everything else related to the creation and maintenance of submarines.

Well, Bradley International Airport is exactly a similar kind of area where so much attains critical mass. It's not just where planes come in, land, drop off goods and passengers and then take off. There are maintenance facilities --

I know the days that I go to work, I will be driving down 91 south, and if it's the right time in the morning, I will see coming down the Bradley Connector and then feeding right into 91 one FedEx truck after another, down they go, down they go, down they go, down they go, because they've just received that day's shipment of parcels and packages and goods from all around the world, and that's how they come in.

Recently Walgreen's created a distribution center in Windsor, I believe, the Windsor/East Granby area,

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the area that I like to call the rainbow area of Windsor. And we were in stiff competition with Rhode Island and New Hampshire, and part of that was that the State of Connecticut, under the leadership of Governor Rell, was able to offer a financial package that was very appealing, but they also looked to that area's proximity not only to the Interstate 91 north-south corridor here in New England, but also to Bradley International Airport.

This measure will try to leverage something that is already inherently doing well and such that we can all benefit from that. And in many areas where we talk about making economic investments, what we end up doing is we target areas that have little or no economic potential, and we try to pour resources into those areas to try to get something to grow. And there's nothing wrong with that, but here we have something that already in and of itself is doing quite well, and we're trying to leverage that.

And so this is something where the Legislative Branch, the Executive Branch, local folks, all the way up -- up to the state level are all moving in the same direction.

My remarks will be similar, God willing this bill

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comes back out of Finance to this chamber, but I wanted to put those remarks on the record right now and commend everyone that's been associated with making this bill hopefully a reality this year.

And again, great praise to Senator LeBeau, Senator DeFronzo and Senator Frantz for all their hard work in this endeavor.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I will start by saying that Bradley Airport is oftentimes not known to be the economic driver that it really is. To throw out just a couple of numbers to you to drive this point home, the analysis that has been done and the economic contribution to the State of Connecticut over the past few years ranges between somewhere around \$4 billion and \$35 billion.

I know there's a big disparity there because measuring economic development contribution can be a very difficult sort of black science.

However, if you pick a number anywhere between

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there, it's very significant. And it's -- it doesn't come as any great surprise to me, because I've been involved with the airport for quite some time, as has Senator Kissel. And Senator LeBeau and Representative Berger on the Commerce Committee have also because they are one of the few people that recognize not only the contribution today to the State of Connecticut but also the potential contribution.

Really what I believe this bill does, and it does, in fact, not have a significant fiscal note going forward for the next couple of years. And again, I'd like to point out that it is not a carte blanche. This is something that if things are happening within this airport development zone, that's when the state will be contributing, but we'll know what it's going to be contributing to.

And obviously no decision is going to be a positive one for an enterprise moving to there or starting there unless it's a good one, one that makes sense for State of Connecticut.

So we're not committing ourselves to a potentially economically dangerous strategy by supporting this bill, but these individuals recognize what can happen up there. What we're really trying to

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do is look for the catalyst that will create -- and Senator Kissel used the operative phrase, "critical mass," which is right on the money, because oftentimes when you have something that is operating so well, all you need to do is add a little bit of fuel to that fire. Next thing you know, you've got the afterburners on and all of a sudden the place is really on the map and people are breaking down barriers to bring their enterprise, their corporations, their partnerships to a place like this.

Aerospace is our tradition. It's our heritage in the State of Connecticut. And yes, there's a big component to that to this area, the four towns surrounding Bradley International Airport. A lot goes on there.

And when you have something as exciting as, say, the 787 program and many of the manufacturers within that area and maybe a little bit outside as well, but in the general area, you can create interests in the area from a company such as Boeing, and they did pay a visit to us. It was a very serious visit in the very beginning in looking at Connecticut as a possible place, right there at Bradley International Airport, to put a large component manufacturing facility to

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support the Dreamliner, the 787 program. That's pretty darn exciting.

Had we been able to achieve that, Mr. President, it would have been the coup of the year, but we know there are other issues involved, too.

So we're trying to get around many of those impediments in Connecticut that drive businesses out of the State of Connecticut and prevent other companies from coming to the State of Connecticut by making it a really attractive place.

The potential is definitely there. And as has been pointed out very adequately, it's a transportation dream, it's an operational dream from the airlines' point of view because the airport is virtually always open.

You can't say that about any of the other airports certainly in New England as well as throughout the rest of the country.

It's also a dream in a sense that you can drive from Miami, Florida and get to Gate 12, the main terminal, without hitting a red light except for maybe the one right before you turn into the final last 150 yards to the terminal. But that thing is always green anyway, and it's right-hand turn. So even if it

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is red, you can take a right on red, Senator. It's not a problem.

So from a logistical and a business point of view, it's a wonderful facility that lends itself to the entire neighborhood being a wonderful place to potentially explore business expansion for so many different companies that could be in aerospace, could be in transportation, could be in shipping, could be in a variety of other SIC code areas that work quite nicely at Bradley International Airport.

So I salute everybody who's worked so hard on this. And I know, Senator Kissel, you've been supporting this airport for as long as you've been involved in public service. And Senator LeBeau, you, too, because you recognize the special magic nature of that whole neighborhood up there, and I would like to urge my colleagues to vote for this when they have the chance.

Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator Frantz.

Will you remark? Will you remark further on Senate Amendment "A"?

Will you remark further on Senate "A"?

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Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Before I ask a couple of questions, first let me say that recently I actually experienced my first flight out of Bradley as a resident of Fairfield, Connecticut. Going to the airport in Westchester or LaGuardia are actually shorter drives than Bradley.

My experience at Bradley was extraordinary. It's easy to park, easy to get to the terminal. Pleasant surroundings, flight was actually on time. And I think Bradley Airport is perhaps the shining star of our state's Department of Transportation. They've done an extraordinary job there.

I'm also one who thinks that it's not a bad idea to look at perhaps privatization or quasi-public/private operations at Bradley, something that could help our state financially and still provide the tremendous services there.

But when -- and I'm also -- lastly, I'm also someone who's very much in favor of getting tax credits to try to spur economic growth.

But we are dealing with not just a budget definite in 2011, but significant budget deficits in

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2012 and 2013.

So when I hear that this bill is not going to have a significant fiscal impact, then I say, well, then how will we be getting great economic growth if we're not giving a lot of money out?

And obviously, this amendment pushes the fiscal impact amendment and the application of this bill out a couple of years.

To be honest, that's always a red flag for me. If this bill had a fiscal impact in this year, we wouldn't be doing it right now because we have a budget deficit.

So we push, we pass the bill now and the cost comes in later.

The problem is that later we've got an even bigger budget deficit. The 700-plus million dollars that we're dealing with in 2011 will pale in comparison to the budget deficits we face in 2012 and 2013, and I know that's not on all of our minds, but it might be on our minds as we pass these types of bills.

Simply to say it doesn't have an impact in 2011 should not be sufficient for this General Assembly if it's going to have an impact in 2012 and 2013.

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With that, Mr. President, I just do have a couple of questions. This probably will come back, so I won't -- I'll have a better chance to read the bill longer and talk with the chairs and ranking members, but if I could, through you, Mr. President, just a couple of questions to Senator LeBeau.

THE CHAIR:

Senator LeBeau.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator LeBeau, in Section 4 it talks about subsection (d), the credits allowed under the section. Maybe this is just a drafting issue, but it talks about the credits would only be available to initial occupants of a manufacturing facility, service facility or eligible facility.

So I guess my -- and I -- I see a definition of "manufacturing facility," a definition for "service facility," but not one of "eligible facility."

So I guess for my edification, would this credit apply to any business within this zone?

And if not, what businesses would be eligible for the credit?

Through you, Mr. President.

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THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Mr. President.

Can I ask for a clarification on the question?

THE CHAIR:

Yes.

SENATOR LeBEAU:

What lines are you -- if I may ask what lines
you're on?

THE CHAIR:

Senator McKinney.

SENATOR McKINNEY:

Thank you, Mr. President. And the copy of the
amendment I have does not -- is not numbered.

SENATOR LeBEAU:

Uh-oh.

SENATOR McKINNEY:

But it is Section -- Section 4, subsection (d)

--

THE CHAIR:

Senator LeBeau.

SENATOR McKINNEY:

-- which in my copy is page 8615.

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SENATOR LeBEAU:

This -- we're building upon enterprise zone legislation.

Through you, Mr. President. We're building upon enterprise zone legislation, and so -- and this section refers to manufacturing facilities.

So that's what would be directly referred to.

And in -- and I don't have the lines -- line numbers. In my copy, line 298, and I'm sorry you don't have it, maybe I can get you a copy.

Mr. Minority Leader, we could --

For the purpose of this section, "eligibility facility" means any facility described in the subparagraph (d) of subdivision (2), Section (D) of Section 32-9p, as amended by this act.

Essentially what we're talking about is manufacturing facilities in that section.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And so then, through you, is this credit available to businesses that are not manufacturing businesses?

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Through you, Mr. President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Yes, it is. Through you, Mr. President. Yes, it is.

And a very special process would be used for that. And the -- it's later on in the bill, Senator McKinney. And let me say, in Section 5, there's a discussion, again, on the lines -- I'm trying to find -- it's a long bill. I apologize for that.

Section D of Section 5, it goes on near the end of that section to describe if -- if located in the airport development zone could be used for warehousing or motor freight distribution of goods transported by aircraft to or from an airport located in the zone -- and here's the key, and this is where the bill really has narrowed what we're talking about here -- is dependent upon or directly related to such airport, meaning Bradley, and which except as provided in the subparagraph, et cetera, et cetera, information technology but excluding certain North American industrial codes. And going on further.

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So we're looking at manufacturing, we're looking at warehouse and distribution, we're looking at direct relationship to an airport, those kinds of things that would directly have an impact that could grow because they will be near an airport, such as a FedEx facility, such as airfreight, such as facilities like that that would have a natural kinship with an airport and would have the ability to grow and provide jobs.

So that is -- that's -- that's what we're looking at here.

I'd like to also -- let me just stop there, Senator, and see if you have any --

SENATOR MCKINNEY:

Thank you.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Senator LeBeau.

And so as I understand it then, and I do appreciate that clarification, a retail -- a retail store, say a Lowe's distribution center or Walgreen's distribution center, wouldn't be eligible for this credit, but something that is uniquely dependent upon

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the airlines for its business would be.

Is that correct, what I'm hearing? Through you
Mr. President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Mr. President. Yes.

THE CHAIR:

Senator McKinney.

SENATOR McKINNEY:

Thank you.

My next question deals with where we get the
money for the tax credits or the grants. And as I
read the fiscal note, the state would reimburse the
municipalities within the zone up to 50 percent of the
tax loss for the facility improvements for a five-year
period through the distressed municipalities grant.

Is that where the money's coming from?

Through you, Mr. President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Mr. President.

Yes.

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THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

And who currently benefits from the distressed municipalities grant? Just -- through you, I believe we have 18 distressed municipalities in this state; is that correct?

Through you, Mr. President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

I think we may differ by one. I think it's 17 distressed municipalities and the enterprise zones within those distressed municipalities.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. Let's hope we get to zero one day.

How much money do we currently spend or is in the 2010-'11 budget for distressed municipalities grant?

Through you, Mr. President, if the good Chair of the Commerce Committee knows.

THE CHAIR:

Senator LeBeau.

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SENATOR LeBEAU:

Through you, Mr. President.

I believe it is \$7.3 million on an annual basis.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

And is it my understanding, through you, Mr. President, that inclusion of the Bradley enterprise zone as a recipient of distressed municipalities grant money would not increase the grant money?

Through you, Mr. President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Mr. President. .

As the good Senator points out, not for at least four years, because the eligibility would not kick in.

And I would like to comment on that. I'd like to go back to that, Senator.

That is correct. And then the fiscal note indicates a \$205,000 potential draw upon that fund.

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But what's -- what's -- what we need to know and what Senator Gomes needs to know and what others who have distressed municipalities -- and many of us do, including my own town of East Hartford, is that we have -- we have had a surplus in that fund anywhere from a half million dollars to a million dollars on a regular basis over the past few years.

Now, in the last couple of years, we've used those extra dollars and they've lapsed back into the general fund, but we have had a significant surplus in that fund, so there's --

So in talking to OPM, they anticipate that this would -- essentially, they would cover this, and very well cover it at a \$205,000 cost.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

So -- and I guess my last question, it might be a long one, putting aside the fact that any fund that lapses, we could use that money to offset the significant budget deficit, we'll put that argument to the side.

It is true and can be possible then in the

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future that were this enterprise zone to be extraordinarily successful -- and we all hope it is -- that the credits and a budget for 2014-'15 fiscal year puts in the same \$7.3 million in the distressed municipalities grant, should it be that those credits consume more than \$200,000 and could consume more than the annual traditional lapse of 500,000, let's say they consume \$2 million of that \$7.3 million, then as the fiscal note points down -- points out, all grants to distressed municipalities are reduced on a pro rata basis.

Now, I only -- actually, I think that's correct, so I won't ask as a question and appreciate Senator LeBeau's remarks and answers to my questions.

I just think it's important to point that out. This bill is much better than last year's version, which just set up a new pilot line.

But we are taking a distressed municipalities grant, we are adding another piece of the pie to it, but the pie's not getting bigger.

And so those members of this circle who represent distressed municipalities, whether it's Bridgeport, New Haven or Waterbury and others, and

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I understand East Hartford is, but I think East Hartford also gets extraordinary benefit from Bradley Airport, unlike, for example, Bridgeport, which has an airport which would love to have this type of zone as well, and perhaps other airports in the state.

So I just think it's important that when we do these types of things, we understand that this may be a winner, but it may be to the loss of other things.

And should this be extraordinarily successful without increasing the funding in the distressed municipalities grant, other distressed municipalities are going to lose funding, and that's just a fact.

So that's why I'm cautious about voting for this. I know it's got to go for referral to Finance, but I think as the Finance Committee debates this bill and as members think about that -- this bill, that's something that should be taken into consideration.

Bradley Airport is an important economic engine for the region. It's extraordinarily important for the four towns that are part of this

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zone, and I appreciate all the work that the members have done on this and the hard work that Senator Kissel has done on behalf of those four towns, but there are other areas of the state that are starving for this type of, you know, economic development booster shot as well, and I'd like to see them at the table, too.

Thank you, Mr. President.

(Senator Coleman of the 2nd in the Chair.)

THE CHAIR:

Thank you, Senator.

Will you remark further on Senate "A"?

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Mr. President.

I'd like to respond to a couple of the comments that the good minority leader just made.

First of all, that this bill -- that any business that gets this shot in the arm, that gets help, that gets a tax credit, that is eligible for an abatement in the community and to be reimbursed by the state, it has to be certified by the commissioner of DECD, that they will not get this

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unless it -- there's shown to be that is fiscally sound for the state, economically sound for the state and fiscally sound for the state, meaning that -- that it is needed, that it will help the state's economy, and that there will be more money coming in to the State of Connecticut then going out.

In other words, the jobs that are produced and the -- the taxes that are paid will be greater than the costs of doing this. And that will have to be shown and demonstrated in order for the DECD commissioner to put her name on line and say this is -- this is a certificate of eligibility.

So the pie is not getting smaller here, and that's the point of this legislation. The point is to make the pie bigger. The point is to grow jobs, and that is precisely what we're trying to do.

And I would look down the road -- and I think, you know, as a person who does have a distressed municipality, a person who does have an enterprise zone in East Hartford, I'm concerned. I would be concerned about this, and I am concerned about this.

But we have -- right now, we have a good amount of space between where we are and where we might be.

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And I'd like to say one other thing about -- Senator McKinney said it raises a red flag, but I'd like to say to Senator McKinney, this allows these towns to plan. It allows them to negotiate. It allows them to bring in new businesses.

So there will be an opportunity for growth, and that's what putting this out does, not just to put off the fiscal note of -- really a fiscal note we could cover of \$205,000, but to allow these communities to get together, to get with the Bradley Board of Directors and to work together to help really create a dynamic enterprise development zone around Bradley Field.

This cost does come in later, but it will be paid for, and it will be more than paid for by the new dollars that are coming into the state.

And I would emphasize that today, and I'll emphasize that tomorrow in front of the -- hopefully tomorrow in front of the Finance, Revenue and Bonding Subcommittee.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on Senate "A"? Will you

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remark further?

I understand there is no request for a roll call vote. That being the case, the Chair will try your minds on Senate "A."

All those in favor, please indicate by saying aye. All those opposed, say nay. The ayes have it. Senate "A" say is adopted.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we'd move that calendar page 21, Calendar 138, Senate Bill 107 as amended be referred to the Finance, Revenue and Bonding Committee.

THE CHAIR:

The motion is to refer to the Finance Committee.

Is there objection? Is there objection?

Seeing none, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the Clerk would call the

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consent calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Roll call has been ordered in the Senate on
the consent calendar. Will all senators please
return to the chamber. Immediate roll call has
been ordered in the Senate on the consent calendar.
Will all senators please return to the chamber.

Mr. President, the Consent Calendar Number 1
begins on calendar page 12, Calendar 387, substitute
for Senate Bill 212. Calendar page 13, Calendar 389,
Senate Bill 430; calendar page 14, Calendar 418,
substitute for House Bill 5235; and calendar page 19,
Calendar Number 84, substitute for Senate Bill 118.

Mr. President, that completes those items placed
on the consent calendar.

The Senate is now voting by roll call on the
consent calendar. Will all senators please return to
the chamber. The Senate is now voting by roll on the
consent calendar. Will all senators please return to
the chamber.

THE CHAIR:

The machine is open.

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Will members please check the roll call board to see if their vote is properly recorded. If all senators have voted and all votes are properly recorded, the machine will be locked.

Would the Clerk please announce the tally.

THE CLERK:

Motion's on adoption, Consent Calendar

Number 1.

Total Number Voting	35
Those Voting Yea	35
Those Voting Nay	0
Those Absent, Not Voting	1

THE CHAIR:

Calendar is adopted.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I believe the Clerk is in possession of Senate Agenda Number 3 for today's session.

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Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda Number 3 dated Thursday, April 22, 2010.

Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I move all items on Senate Agenda Number 3 dated Thursday, April 22, 2010, to be acted upon as indicated, and that the agenda be incorporated by reference into the Senate journal and the Senate transcript.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the Clerk would next call calendar page 13, Calendar 390.

THE CLERK:

Turning to calendar page 13, Calendar Number 390, File Number 543, Senate Bill Number 437, AN

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ACT CONCERNING THE TOBACCO PRODUCTS TAX,
Favorable Committee on -- Favorable Report of the
Committee of Finance, Revenue and Bonding.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

I move the Joint Committee's Favorable Report,
and I seek passage of the bill.

THE CHAIR:

On acceptance and passage, will you remark
further?

SENATOR DAILY:

Thank you, sir.

This bill includes in our tax structure loose
tobacco that's rolled for cigarettes that currently is
taxed in a different way than what we're proposing to
do here.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill before us,
Senate Bill 437?

Will you remark further?

Senator McLachlan.

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SENATOR McLACHLAN:

Thank you, Mr. President.

I have concerns about this bill, and I'd like to ask some questions of the proponent, through you, Mr. President.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Senator Daily, I -- we talked briefly earlier today, and I just want to express my concerns that increasing taxes of this nature seem to be developing a lot of concerns among people in the business of dramatically increasing the black market in product coming in from other states where taxes are dramatically lower.

In fact, a big distributor in Danbury indicated to me last week that it is fairly common practice for individuals who have stores in western Connecticut, in fairly close proximity to the border, where they are bringing a product in from Pennsylvania where the product in Pennsylvania will cost somewhere around \$6 for a package and now -- I'm sorry, costs \$16 for package and now the same package here in Connecticut will cost somewhere around \$140.

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So the question I have is when this tax was developed, was there consideration given to the dramatic difference in taxes between states?

Through you, Mr. President.

THE CHAIR:

Senator Daily, if you care to respond.

SENATOR DAILY:

Thank you very much, Mr. President.

Yes, the Senator shared his concerns with me earlier, and certainly they're valid concerns. We don't try to create any illegal activities, and the measure itself was sought by the cigarette companies who were losing a lot of business and then us a lot of tax money by having such a differential.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I think that, you know, since taxes are a fairly common way for government to find a way to fund ongoing activities and in many cases, of course, it is easy to vote in favor of them, but I in this -- in this case will vote against it.

I believe that we are increasing taxes once

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again, but we are doing so in a way and on a product in this case that is really just going to push business across state lines and frankly, in this case, impact dramatically the business of businesses in my district and I believe other businesses along the borders of Connecticut.

We are just really going to lose tax revenue in the long run, but more importantly we have a fear I believe in the industry that seems to be well-founded, that this black market will grow quite dramatically. And I don't believe that state government has the enforcement capability to recapture those dollars.

So I urge my colleagues to vote against another tax increase unless state government can find a way to equitably collect the taxes and eliminate the black market.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

I would simply urge your constituents to be very,

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very cautious. They already have a history, because they're paying on the product in a different way, and we do -- certainly do enforcement at borders.

THE CHAIR:

Will you remark further? Will you remark further?

If not, the Chair would ask the Clerk to announce that a roll call vote is in progress in the Senate.

THE CLERK:

A roll call has been ordered in the Senate.

Will all senators please return to the chamber.

Immediate roll call has been ordered in the Senate...

Will all senators please return to the chamber.

THE CHAIR:

The machine is open.

THE CHAIR:

Senators, please check the roll call board to make sure that your vote is properly recorded. If all members have voted and if all votes are properly recorded, the machine will be locked.

Will the Clerk please announce the tally.

THE CLERK:

Motion is on passage of Senate Bill 437.

Total Number Voting

32

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Those Voting Yea	30
Those Voting Nay	2
Those Absent, Not Voting	4

THE CHAIR:

The bill is passed.

Senator Looney.

SENATOR LOONEY:

Mr. President, thank you.

And, Mr. President, to -- to add a notation on a calendar marking for a committee referral --

THE CHAIR:

Please proceed.

SENATOR LOONEY:

Yes, Mr. President. Thank you.

On calendar page 27, Calendar 429, the Senate Bill 379, Mr. President, AN ACT CONCERNING VOCATIONAL TECHNICAL SCHOOLS, Mr. President, we'd move to refer that bill to the Appropriations Committee.

THE CHAIR:

Without objections, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we'd also move that all bills referred to various committees in today's session be

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immediately transmitted --

THE CHAIR:

Senator Looney, if I might interrupt you, I'm -- I'm looking at page 27 on your last referral, and I don't see the bill that you were referencing.

SENATOR LOONEY:

It was calendar page -- calendar page 15, Mr. President, I'm sorry. I was looking at -- yes, it was calendar page 15, Calendar 429, Senate Bill 379.

THE CHAIR:

And the referral was to what committee?

SENATOR LOONEY:

The referral was to the Appropriations Committee, Mr. President.

THE CHAIR:

Thank you.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we'd also, as I said, remove -- to move to refer all bills noted today on the floor of the Senate for referral to various committees that, those bills be immediately transmitted and not held.

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THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Also, Mr. President, we'd move for a suspension for immediate transmittal to the House of Representatives of all bills acted upon today in the Senate requiring action by the House of Representatives.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, for a journal notation.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President, as we all know, Senator Slossberg's father passed away. The funeral service was today, and she was of course absent for that reason. And, Mr. President, we'd like to yield to Senator Meyer for a general notation.

THE CHAIR:

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The journal will so note regarding Senator Slossberg's absence today.

Senator Meyer, do you accept yield.

SENATOR MEYER:

I do. Thank you, Senator Looney.

And, Mr. President, I was present at an Earth Day event earlier this afternoon when the circle took up AN ACT CONCERNING STUDENT ATHLETES AND CONCUSSIONS, Calendar 252, Senate Bill 456, page 27 of our calendar. And if I'd been here, I would have enthusiastically voted for it.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. The journal will so note.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. An additional journal notation.

Mr. President, Senator Hartley was absent for part of today's session, missed a -- I believe the last vote, had to leave the chamber on family

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business, family health business.

THE CHAIR:

Journal will note.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we'd like to -- to mention the --
our upcoming schedule.

We will -- we will not be in session tomorrow
because the Judiciary Committee will have a
lengthy, probably day-long hearing on judicial
nominations.

On Monday, I want to give notice that we will
have a democratic caucus Monday afternoon starting at
3:30, and then we will be in session on Tuesday, and
then members should hold every day next week for
likely session.

And I would yield the floor to other members for
announcements or points of personal privilege.

THE CHAIR:

Are there announcements or points of personal
privilege?

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

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For purposes of an announcement and to further expand on Senator Looney's comments, the Judiciary Committee will be having a public hearing tomorrow morning starting at 10:00.

It is our intention to convene the public hearing and then immediately recess for purposes of a democratic caucus. I believe the republicans may be recessing as well.

And then immediately after that caucus, we will commence the public hearing.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

I rise for the purpose of an announcement.

THE CHAIR:

Please proceed, ma'am.

SENATOR DAILY:

Finance, Revenue and Bonding Committee will hold a meeting tomorrow afternoon at 1:00 p.m. in Room 2E.

THE CHAIR:

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Thank you, Senator.

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President.

Good evening.

THE CHAIR:

Good evening.

SENATOR DUFF:

For the point of personal privilege, please.

THE CHAIR:

Please proceed.

SENATOR DUFF:

Thank you, sir.

I just wanted to take this opportunity to wish one of our folks who worked very hard here at the Capitol a happy birthday. Unfortunately for her, she has left already, but I want to take a chance to wish Jackie Falkowski a happy birthday today.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

For a point of personal privilege, sir, the Appropriations Committee will meet for caucuses at

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12:00 and for business at 2:00 in Room 1E.

THE CHAIR:

Thank you, Senator.

Are there further announcements or points of personal privilege? Are there further announcements or points of personal privilege?

Seeing none --

Senator Harp, with respect to your announcement, is that tomorrow?

SENATOR HARP:

Thank you, sir, for bringing to my attention that I failed to say when the meeting would be. It will be tomorrow at 2:00 in Room 1E.

Thank you.

THE CHAIR:

Thank you, Senator.

Any further announcements or points of personal privilege?

Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we'd move that the Senate stand adjourned, subject to the call of the Chair.

THE CHAIR:

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The motion is for the Senate to stand
adjourned, subject to the call of the Chair.

Is there objection? Seeing none, so ordered.

The Senate stands adjourned subject to the
call of the Chair.

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THE CONNECTICUT GENERAL ASSEMBLY

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The Senate was called to order at 10:59 a.m., in accordance with the provisions of Senate Rule 9(b), and under the authority of the President Pro Tempore and the Senate Minority Leader.

THE CHAIR:

The Senate will please come to order. Please give your attention to the Acting Chaplain, Jacqueline Caron, of Norwich, Connecticut.

ACTING CHAPLAIN JACQUELINE CARON:

Divine and powerful spirit that has created all that is, we acknowledge that You are the God of wisdom and justice. We ask that Your presence be felt in our deliberations today - that You be the guiding factor in our lives so that we might bring peace and sanity to a world that is filled with chaos - that the streets of our state would be safe and their homes would be sound and we need the peacefulness of Your influence so be with us not just while we're in session but guard and keep each and everyone - all of our families - and all of our people now and forever. Amen.

THE CHAIR:

Pursuant to Senate Rule 9(b), the Senate is called into Session by the Office of the Senate Clerk under the authority of the President Pro Tempore and Senate Minority Leader.

It is hereby moved that Senate Agenda Number 1, dated Friday, April 23, 2010, is adopted, the items on said Agenda shall be acted upon as indicated, and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE AGENDA NUMBER 1

rd/md/gbr
SENATE

2
April 23, 2010

- (1) MATTER(S) RETURNED FROM COMMITTEE - to
be tabled for the calendar.

NO NEW FILE

HOUSING COMMITTEE

SB NO. 367 AN ACT CONCERNING THE RIGHT OF A
COMPLAINANT TO INTERVENE IN A HOUSING
DISCRIMINATION ACTION

- (2) **BUSINESS FROM THE HOUSE**

- (A) HOUSE BILL(S) FAVORABLY REPORTED - to
be tabled for the calendar.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5059 AN ACT CONCERNING THE
APPOINTMENT OF MUNICIPAL ASSESSORS.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5207 AN ACT CONCERNING CRIMINAL
BACKGROUND CHECKS FOR PROSPECTIVE STATE
EMPLOYEES. (As amended by House Amendment
Schedule "A" (LCO 3678))

APPROPRIATIONS COMMITTEE

SUBST. HB NO. 5286 AN ACT CONCERNING LICENSURE OF
MASTER AND CLINICAL SOCIAL WORKERS.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5289 AN ACT CONCERNING THE SALARIES
OF THE CHIEF MEDICAL EXAMINER AND THE DEPUTY
MEDICAL EXAMINER.

EDUCATION COMMITTEE

SUBST. HB NO. 5316 AN ACT AMENDING THE DEFINITION
OF RESIDENT STUDENTS.

JUDICIARY COMMITTEE

SUBST. HB NO. 5339 AN ACT CONCERNING NOTIFICATION
OF PEACE OFFICERS WHO HAVE BEEN ASSAULTED PRIOR
TO THE COURT SENTENCING OR ACCEPTING A PLEA
AGREEMENT OF THE DEFENDANT.

PUBLIC HEALTH COMMITTEE

rd/md/gbr
SENATE

3
April 23, 2010

SUBST. HB NO. 5351 AN ACT CONCERNING PRESCRIPTION DRUG BENEFITS FOR VETERANS IN NURSING HOME FACILITIES. (As amended by House Schedule "A" (LCO 3687))

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5352 AN ACT PROCLAIMING MARCH THIRTIETH TO BE WELCOME HOME VIETNAM VETERANS DAY AND MAKING "TAPS" THE STATE SONG OF REMEMBRANCE. (As amended by House Amendment Schedule "A" (LCO 3613))

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5404 AN ACT CONCERNING THE NONDISCLOSURE OF CERTAIN INFORMATION REGARDING CERTAIN EMPLOYEES TO INMATES UNDER THE FREEDOM OF INFORMATION ACT. (As amended by House Amendment Schedule "A" (LCO 3813))

JUDICIARY COMMITTEE
SUBST. HB NO. 5408 AN ACT CONCERNING PROBATE COURT OPERATIONS.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5427 AN ACT CONCERNING THE OFFICE OF THE SECRETARY OF THE STATE AND THE OFFICE OF STATE ETHICS. (As amended by House Amendment Schedule "A" (LCO 3808))

HUMAN SERVICES COMMITTEE
SUBST. HB NO. 5448 AN ACT CONCERNING THE ADMINISTRATION OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES. (As amended by House Amendment Schedule "A" (LCO 3659))

ENERGY AND TECHNOLOGY COMMITTEE
SUBST. HB NO. 5463 AN ACT CONCERNING PERIODIC REVIEW OF VIDEO PROVIDERS.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
SUBST. HB NO. 5517 AN ACT CONCERNING ETHICS AND THE OFFICE OF STATE TREASURER.

JUDICIARY COMMITTEE
HB NO. 5530 AN ACT CONCERNING THE CONNECTICUT BUSINESS CORPORATION ACT. (As amended by House Amendment Schedule "A" (LCO 3590))

rd/md/gbr
SENATE

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April 23, 2010

JUDICIARY COMMITTEE

SUBST. HB NO. 5539 AN ACT CONCERNING JUDICIAL
BRANCH POWERS AND PROCEDURES.

The Senate, at 11:02 a.m., adjourned under provisions
of Senate Rule 9(b) subject to the call of the chair.

rd/md/gbr
SENATE

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April 26, 2010

THE CONNECTICUT GENERAL ASSEMBLY

SENATE

April 26, 2010

The Senate was called to order at 10:44 a.m., in accordance with the provisions of Senate Rule 9(b), and under the authority of the President Pro Tempore and the Senate Minority Leader.

THE CHAIR:

The Senate will please come to order. Please give your attention to the Acting Chaplain, Alice Ann Joseph, of West Simsbury, Connecticut.

ACTING CHAPLAIN ALICE ANN JOSEPH:

Lord, help us to be honest and true in all that we say and all that we do; give us the courage to do what is right. To bring to the world a glimpse of Your light. Amen.

THE CHAIR:

Pursuant to Senate Rule 9(b), the Senate is called into Session by the Office of the Senate Clerk under the authority of the President Pro Tempore and Senate Minority Leader.

It is hereby moved that Senate Agenda Number 1, dated Monday, April 26, 2010, is adopted, the items on said Agenda shall be acted upon as indicated, and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE AGENDA NUMBER 1

(1) MATTER(S) RETURNED FROM COMMITTEE - to be tabled for the calendar.

NO NEW FILE

FINANCE REVENUE AND BONDING COMMITTEE

rd/md/gbr
SENATE

2
April 26, 2010

**SB NO. 326 AN ACT CONCERNING LOCAL TAX
ABATEMENTS.**

FINANCE REVENUE AND BONDING COMMITTEE

**SB NO. 468 AN ACT CONCERNING THE DEPARTMENT OF
PUBLIC WORKS AND A REPORT OF UNEXPECTED BOND
PROCEEDS.**

FINANCE REVENUE AND BONDING COMMITTEE

**SUBST HB NO. 5254 AN ACT CONCERNING THE JEOPARDY
COLLECTION OF TAXES.**

(2) BUSINESS FROM THE HOUSE

(A) HOUSE BILL(S) FAVORABLY REPORTED - to
be tabled for the calendar.

COMMERCE COMMITTEE

**SUBST. HB NO. 5028 AN ACT CONCERNING THE
DEVELOPMENT OF THE CREATIVE ECONOMY. (As
amended by House Amendment Schedules "A" (LCO
3486), "B" (LCO 3960))**

FINANCE REVENUE AND BONDING COMMITTEE

**SUBST. HB NO. 5119 AN ACT CONCERNING THE
REMEDIATION ACCOUNT FOR DRY CLEANING
ESTABLISHMENTS. (As amended by House Amendment
Schedule "A" (LCO 3878))**

JUDICIARY COMMITTEE

**SUBST. HB NO. 5117 AN ACT CONCERNING CONSERVATION
AND PRESERVATION RESTRICTIONS HELD BY THE
STATE. (As amended by House Amendment Schedules
"A" (LCO 3640), "B" (LCO 3855))**

PLANNING AND DEVELOPMENT COMMITTEE

**SUBST. HB NO. 5120 AN ACT CONCERNING PRIVATE AND
MUNICIPAL RECYCLING, ZONING ORDINANCES AND SOLID
WASTE COLLECTION CONTRACTS. (As amended by House
Amendment Schedule "A" (LCO 3884))**

JUDICIARY COMMITTEE

**SUBST. HB NO. 5122 AN ACT ESTABLISHING A PAINT
STEWARDSHIP PROGRAM. (As amended by House
Amendment Schedule "A" (LCO 3794))**

rd/md/gbr
SENATE

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April 26, 2010

PUBLIC HEALTH COMMITTEE

SUBST. HB NO. 5244 AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM.

GENERAL LAW COMMITTEE

HB NO. 5290 AN ACT CONCERNING THE ADMINISTRATION OF VACCINES BY LICENSED PHARMACISTS. (As amended by House Amendment Schedule "A" (LCO 3933))

PLANNING AND DEVELOPMENT COMMITTEE

SUBST. HB NO. 5372 AN ACT CONCERNING VISITABLE HOUSING. (As amended by House Amendment Schedule "A" (LCO 3886))

FINANCE REVENUE AND BONDING COMMITTEE

SUBST. HB NO. 5383 AN ACT CONCERNING REGIONAL ECONOMIC DEVELOPMENT

APPROPRIATIONS COMMITTEE

HB NO. 5402 AN ACT CONCERNING EXPENSES FOR HEALTH BENEFIT PLANS UNDER THE TEACHERS' RETIREMENT FUND. (As amended by House Amendment Schedule "A" (LCO 3696))

The Senate, at 10:47 a.m., adjourned under provisions of Senate Rule 9(b) subject to the call of the chair.

ch/gbr
SENATE

April 27, 2010

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THE CONNECTICUT GENERAL ASSEMBLY

SENATE

APRIL 27, 2010

The Senate was called to order at 2:54 p.m.,
the President in the Chair.

THE CHAIR:

The Senate please come to order. Members and
guests please rise and direct your attention to
Rabbi Philip Lazowski who will lead us in prayer.

Rabbi.

DEPUTY CHAPLAIN RABBI PHILIP LAZOWSKI:

Our thought for today is from Psalm Chapter
90, verse 12. So teach us to number our days that
we may get a heart of wisdom.

Let us pray.

Almighty God, direct us in our thinking and
our actions. Help us to reflect clearly and to
strive conscientiously in this performance of our
responsibilities.

Give guidance to our esteemed Senators and
those who depend on us for security, hope and a
better life. Safeguard our precious heritage of

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freedom. Let thy grace rest, upon our state and our country. Bless our President, our Governor, and all our leaders. Defend and protect our defenders of freedom, hear us as we pray and let us all say, amen.

THE CHAIR:

Senator Gomes, why don't you come up here and join us in the pledge.

SENATOR GOMES:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

Thank you, Senator. I appreciate it.

At this time, I will entertain points of personal privileges or announcements.

Okay. There are none.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Good afternoon, Mr. President.

THE CHAIR:

Good afternoon, sir.

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SENATE

April 27, 2010

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SENATOR LOONEY:

Mr. President, the Clerk is in possession of
Senate Agenda Number 1 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of
Senate Agenda Number 1, dated Tuesday, April 27,
2010. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I move all items on Senate
Agenda Number 1 dated Tuesday, April 27, 2010 to be
acted upon as indicated and that the agenda be
incorporated by reference into the Senate Journal
and the Senate Transcript.

THE CHAIR:

There is a motion on the floor to move all
items on Senate Agenda Number 1.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes thank you, Mr. President.

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Mr. President, would move to the marking of today's calendar.

Mr. President, on calendar page 1, under Executive and Legislative Nominations, Calendar 80, Senate Resolution Number 12, Mr. President, move that this item be placed on the foot of the calendar.

THE CHAIR:

There's a motion on the floor to place the item on the foot.

Without objection, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Calendar 435 is marked go. Moving to calendar page 2, continuing with Executive and Legislative Nominations, Calendar 436, marked go; Calendar 437, marked go; Calendar 438, marked go.

Moving now to favorable reports, on calendar page 2, Calendar 42, Senate Bill 373, Mr. President, move to place this item on the foot of the calendar.

THE CHAIR:

Motion on the floor to place item on the foot.

Seeing no objection, so ordered.

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SENATOR LOONEY:

Thank you, Mr. President.

Calendar 43, Senate Bill Number 374, also move to place this item on the foot of the calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to calendar page 3, Calendar 53 is marked go; Calendar 61 marked go; Calendar 62, Senate Bill Number 183, Mr. President, move to place this item on the foot of the Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 69 is marked go; Calendar 72 marked go; Calendar 78, marked go.

Moving to calendar page 4, Mr. President, Calendar 89 marked passed retaining its place on the Calendar; Calendar 96, PR; Calendar 99, PR; Calendar 112, PR; Calendar 114, pass temporarily.

THE CHAIR:

Without objection, so ordered.

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SENATOR LOONEY:

Thank you, Mr. President.

Calendar 116 marked go; Calendar 118, PR;
calendar page 5, Calendar 139 marked go; Calendar
142 marked go; Calendar 143, PR; Calendar 144, PR;
Calendar 151 marked go.

Moving to calendar page 6, Calendar 155, PR;
Calendar 156, PR; Calendar 158, PR; Calendar 162,
PR; Calendar 168 is marked go; Calendar 174 marked
go.

Mr. President, moving to calendar page 7,
Calendar 177, PR; Calendar 184, PR; Calendar 185,
PR; Calendar 203 pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 210, PR. Moving to calendar page 8,
Calendar 221 is marked go; Calendar 225 marked go;
Calendar 227, PR; Calendar 229, PR; Calendar 240,
Senate Bill Number 233, Mr. President, move to
refer this item to the Committee on Human Services.

THE CHAIR:

Seeing no objection, so ordered, sir.

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SENATOR LOONEY:

Yes thank you, Mr. President.

Calendar 241, Senate Bill Number 401, Mr.

President, move to place this item on the foot of
the Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 242, PR; Calendar page 9, Calendar
249, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 253, PR; Calendar 254, Senate Bill
Number 203, Mr. President, move to refer this item
to the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes thank you, Mr. President.

Calendar 255 is marked go; Calendar 264, PR;
Calendar 265, PR.

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Calendar page 10, Calendar 269 is marked go;
Calendar 272 marked go; Calendar 294, PR; Calendar
295, PR; Calendar 299 marked go.

Moving to calendar page 11, Calendar 315, PR;
Calendar 317, PR; Calendar 320, PR; Calendar 323,
PR; Calendar 330, PR; Calendar 332 is marked go;
Calendar 333, Senate Bill Number 270, Mr.
President, move to refer this item to the Committee
on General Law.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 339 is marked go; Calendar 343, PR;
Calendar 344 is marked go; Calendar 348 marked go;
Calendar 372 pass temporarily.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to Calendar page 13, Calendar 377 is
marked go; Calendar 378, PR; Calendar 383, PR;
Calendar 386 is marked go; Calendar 388, PR.

Moving to Calendar page 14, Calendar 394, PR;

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Calendar 398, PR; Calendar 402, PR; Calendar 416, PR; Calendar 420, PR; Calendar 422, PR; Calendar 423 is marked pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 15, Calendar 424, Senate Bill Number 444, Mr. President, move to refer this item to the Committee on Government Administration and Elections.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 425, Senate Bill Number 445, Mr. President, move to refer this item to the Judiciary Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes thank you, Mr. President.

Calendar 426, Senate Bill Number 27, Mr. President, move to refer this item to the Committee

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on Transportation.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 427 is marked PR.

Moving to Calendar page 16, Calendar 428,
Senate Bill Number 313, Mr. President, move to
place this item on the foot of the Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 430, PR; Calendar 431, Senate Bill
Number 435, Mr. President, move to refer this item
to the Committee on Planning and Development.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 432 is marked go; Calendar 433, PR;
Calendar 434, PR; Calendar 439 is marked go;
Calendar 440, on page 17, is marked go. Calendar
441 marked go; Calendar 442 is marked PR; Calendar

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443, PR; Calendar 444, PR.

Moving to Calendar page 18, Calendar 445, PR;
Calendar 446, PR; Calendar 447 is marked go;
Calendar 448 marked go; Calendar 449, PR; Calendar
450, PR.

Moving to Calendar page 19, Calendar 451, PR;
Calendar 452 is marked go; Calendar 453 marked go;
Calendar 454, House Bill Number 5526, Mr.
President, move to refer this item to the Committee
on Finance, Revenue and Bonding.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 455 marked go; Calendar 456 marked go
and moving to Calendar page 20, Calendar 457 marked
go; Calendar 458 is marked PR.

Moving now passed the -- the non-double
starred items, Mr. President.

Mr. President, to Calendar page 25, Calendar
35 is marked PR; Calendar 37 pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

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Thank you, Mr. President.

Calendar 39 pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 45 is marked go. Moving to Calendar page 26, Calendar 49, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 51 is marked go; Calendar 54 marked go; Calendar 63 marked go; Calendar 68, PR; Calendar 73, Senate Bill Number 355, Mr. President, move to place this item on the foot of the Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to Calendar page 27, Calendar 75 is marked go; Calendar 77 marked go; Calendar 88, PR; Calendar 92 is marked pass temporarily.

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THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 95, PR; Calendar 98 is PR.

Moving to Calendar page 28, Calendar 101 is marked go; Calendar 104 marked go; Calendar 106, PR; Calendar 108, PR; Calendar 113 is marked go; Calendar 120, PR; Calendar 121, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank-you, Mr. President.

Moving to Calendar page 29, Calendar 122, PR; Calendar 123, PR; Calendar 128 is marked go; Calendar 129 is marked go; Calendar 130, PR; Calendar 133 marked go.

Calendar page 30, Calendar 135 is marked go; Calendar 141 is marked go; Calendar 145, PR; Calendar 154, Senate Bill Number 344, Mr. President, move to place this item on the foot of the Calendar.

THE CHAIR:

Without objection, so ordered.

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SENATOR LOONEY:

Yes thank you, Mr. President.

Calendar 160, PR; Calendar 164, Senate Bill
Number 427, Mr. President, move to refer this item
to the Committee on Public Safety and Security.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to Calendar page 31, Calendar 166 is
marked go; Calendar 167, PR; Calendar 169, pass
temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 170, PR; Calendar 171, PR; Calendar
176, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to Calendar page 32, Calendar 179 is
marked go; Calendar 181, PR; Calendar 189, PR;

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Calendar 190, Senate Bill Number 346, Mr.

President, move to refer this item to the Committee
on Public Safety and Security.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 191 is marked go; Calendar 201, PR.

Calendar page 33, Calendar 202 is marked go;
Calendar 207 marked go; Calendar 209, PR; Calendar
211 is marked pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 214, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 219, pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

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Thank you, Mr. President.

Moving to Calendar page 34, Calendar 220, PR;
Calendar 223, PR; Calendar 226 is marked go;
Calendar 230, PR; Calendar 234, Senate Bill Number
167, Mr. President, move to refer this item to the
Judiciary Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 251 is marked go; Calendar 257 marked
go; Calendar 261, PR; Calendar 262, PR; Calendar
263, PR; Calendar 266, PR; Calendar 267, PR.

Moving to Calendar page 36, Calendar 268 is
marked go; Calendar 271, PR; Calendar 274, PR;
Calendar 277, PR; Calendar 278 is marked go.

Moving to Calendar page 37, Calendar 318, PR;
Calendar 328, PR; Calendar 334, PR; Calendar 335,
PR; Calendar 345, PR; Calendar 347, PR.

Moving to Calendar page 38, Calendar 376, PR;
Calendar 397 is marked pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

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Yes thank you, Mr. President.

Calendar 400, PR; Calendar 401, PR; Calendar
403, PR; Calendar 404, PR.

On Calendar page 39, under favorable reports
and resolutions, Calendar 115, PR.

Thank you, Mr. President. That concludes our
-- our markings at this time.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Calling from Senate Calendar page one,
Executive and Legislative Nominations, Calendar
Number 435, House Joint Resolution Number 102,
RESOLUTION CONFIRMING THE NOMINATION OF DONNA M.
WILKERSON-BRILLANT OF CROMWELL TO BE A HUMAN RIGHTS
REFEREE, favorable report of the Committee on
Executive and Legislative Nominations.

SENATOR LOONEY:

Mr. President, if we might stand at ease for
just a moment.

THE CHAIR:

The Senate will stand at ease.

SENATOR LOONEY:

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Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I move acceptance of the Joint Committee's favorable report and adoption of the resolution.

THE CHAIR:

Acting on acceptance of the resolution, sir, would you like to remark further?

SENATOR LOONEY:

Yes thank you, thank you, Mr. President.

Mr. President, Governor Rell has nominated Donna Wilkerson-Brillant of Cromwell to be a human rights referee. It is a -- as a reappointment. Ms. Wilkerson-Brillant is -- holds a Bachelors degree from Central Connecticut State University, her law degree from Western New England College School of Law, currently serves as a human rights referee and -- on the Connecticut Commission on Human Rights and Opportunities.

She was formerly chief human rights referee, was formerly in -- in private practice, had also

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been a volunteered staff attorney for the Legal Aid Society of Hartford County, served in the U.S. Army Reserves as a radio telecommunications specialist and was a staff sergeant there.

She has earned numerous awards including the Connecticut Law Tribune's Women in the Law High Achievers and the Law Tribune's New Leaders of the Law and various other awards as well as U.S. Army Commendation Medal and the U.S. Army Achievement Medal during her period of -- of active duty service and would urge approval of the nomination.

THE CHAIR:

Thank you, sir.

Will you remark further on the resolution before us? Will you remark further?

Senator Looney.

SENATOR LOONEY:

Mr. President, if there's no objection, would
move to place this item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place the
resolution, House Joint Resolution 102, on the
Consent.

Seeing no objection, so ordered, sir.

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Mr. Clerk.

THE CLERK:

Calendar page two, Calendar Number 436, House
Joint Resolution Number 103, RESOLUTION CONFIRMING
THE NOMINATION OF JON P. FITZGERALD OF BRISTOL TO
BE A HUMAN RIGHTS REFEREE, favorable report of the
Committee on Executive and Legislative Nominations.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I move acceptance of the Joint
Committee's favorable report and adoption of the
resolution.

THE CHAIR:

Acting on acceptance and adoption of the
resolution, sir, would you like to remark further?

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, Governor Rell has reappointed
Jon Fitzgerald of Bristol to be human rights
referee. Mr. Fitzgerald holds his Bachelors degree
from Boston College, his law degree from Case
Western Reserve University School of Law. Also has

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a Masters degree from Trinity. Is currently serving as a human rights referee on the Commission on Human Rights and Opportunities and formerly practiced in private practice. Was also a fact finder arbitrator for the New Britain and Hartford courts and had worked as a small claims commissioner in the Manchester court.

He is currently the vice chairperson of the Bristol Charter Revision Commission; admitted to the service on the administrative law section executive committee of the Bar Association, chair of the Bristol Housing Code Appeals Board; also currently serves on the Connecticut Law Revision Commission and would urge approval of the nomination.

THE CHAIR:

Thank you, Senator.

The question is on adoption. Will you remark further? Will you remark further?

Senator Looney.

SENATOR LOONEY:

Mr. President, if there's no objection, would move to place this item on the Consent Calendar.

THE CHAIR:

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Motion on the floor to place item on the
Consent.

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

Calendar Number 437, House Joint Resolution
Number 104, RESOLUTION CONFIRMING THE NOMINATION OF
JEROME D. LEVINE OF MANCHESTER TO BE A HUMAN RIGHTS
REFEREE, favorable report on the Committee of
Executive and Legislative Nominations.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I move acceptance of the Joint
Committee's favorable report and adoption of the
resolution.

THE CHAIR:

Acting on acceptance and adoption of the
resolution, sir, would you like to remark further?

SENATOR LOONEY:

Yes, Mr. President, thank you.

Mr. President, Governor Rell has nominated for
reappointment Jerome Levine of Manchester to be a

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human rights referee. Mr. Levine holds his Bachelors degree from the University of Connecticut and his law degree from the University of Connecticut School of Law. Currently is serving as a human rights referee; formerly worked as an attorney in private practice. He's also the former town attorney for the Town of Vernon and a former managing partner in the law office of Kahan, Kerensky & Capossela.

He has been active in the Connecticut Bar Association, the Tolland County Bar Association as past president and would urge approval of his reappointment.

THE CHAIR:

Thank you, Senator.

The question is on adoption of the resolution.

Will you remark? Will you remark further?

Senator Looney.

SENATOR LOONEY:

Mr. President, would move to place this item on the Consent Calendar if there is no objection.

THE CHAIR:

Motion on the floor to place item on the Consent.

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Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar Number 438, House Joint Resolution
Number 105, RESOLUTION CONFIRMING THE NOMINATION OF
PAMELA PARTRIDGE WEST OF FARMINGTON TO BE A MEMBER
OF THE STATE BOARD OF EDUCATION, favorable report
of the Committee on Executive and Legislative
Nominations.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I move acceptance of the Joint
Committee's favorable report and adoption of the
resolution.

THE CHAIR:

Acting on acceptance and adoption of the
resolution, would you like to remark further, sir?

SENATOR LOONEY:

Yes, Mr. President, thank you.

Mr. President, the Governor has nominated
Pamela Partridge West of Farmington to be a member
of the State Board of Education. Ms. Partridge

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West has a Bachelors degree from Williams College. She's a -- a -- formerly vice president, senior business development officer of the U.S. Trust Company; former president of the Hill Stead Museum; vice president of State Street Global Advisors; also formerly a vice president for development of the Village for Families and Children.

She has had a significant career as a bank and trust officer in Connecticut. She also currently serves as a member of the Judicial Review Council and an honorary board member of the Hill Stead Museum. Also serves as a member of the plan giving executive board at Williams College, her alma mater; has been vice chair of the Connecticut Student Loan Foundation board and was a co-founder of the Connecticut Women's Council; active in Hartford area business for -- for many years.

Also received a Woman of Achievement award from the Connecticut Valley Girl Scouts; has been active as a prominent community leader for many years and would urge approval of her appointment to serve on the State Board of Education.

THE CHAIR:

Thank you, Senator.

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The question is on adoption.

Will you remark? Will you remark further?

Seeing none, Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you.

If there's no objection, would move to place this
item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place item
on the Consent.

Seeing no objection, so ordered.

.. Mr. Clerk.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Yes, Senator Looney.

THE CHAIR:

Mr. President, having marked the calendar,
would like to -- to mark some items as -- as orders
of the day to take up as the -- as the first items
of -- of business today.

THE CHAIR:

Yes sir.

SENATOR LOONEY:

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Yes thank you, Mr. President.

Would mark four items at this -- at this time.
First is Calendar page 11, Calendar 332, Senate
Bill 153 and next is Calendar page 12, Calendar
339, Senate Bill 443 and then Calendar page 28,
Calendar 101, Senate Bill 45 and then Calendar page
34, Calendar 226, Senate Bill 314.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Favorable reports matters marked order of the
day. Calendar page 11, Calendar Number 332, File
469, Substitute for Senate Bill 153, AN ACT
PROVIDING A SAFE HARBOR FOR EXPLOITED CHILDREN,
favorable report of the Committees on Children and
Judiciary.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

I would move the Joint favorable report and
passage of the bill.

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THE CHAIR:

Acting on approval and passage of the bill,
sir, would you like to remark further?

SENATOR MUSTO:

Yes thank you, Mr. President.

Mr. President, this is a bill -- this is quite
simply a good bill and it ought to pass. We hear
that a lot around here and it certainly applies to
this bill. It's a bipartisan effort and what it
will do is exempt children, regardless of gender,
who are under the age of 16 from being prosecuted
as prostitutes.

These children are most often exploited. We have a
great deal of legislation on -- on human
trafficking in this state and around the country
and this bill will protect those children who are
being exploited by people older than they are who
are making money off of them who are essentially
ruining their lives from profiting any more and it
will prevent those children from going through life
with a criminal record, being incarcerated and all
of the other ill-affects that come from being
arrested for prostitution.

In regards to this also, I have an amendment. I

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believe the Clerk is in possession of LCO 3898 and I would ask that that amendment be called at this time.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3898, which will designated as Senate
Amendment Schedule "A," is offered by Senator Musto of the 22nd district.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

I move the amendment, Mr. President.

THE CHAIR:

Acting on movement, sir, would you like to remark further?

SENATOR MUSTO:

Yes, Mr. President.

This amendment is essential to this bill.

What it does is it makes sure that the people who are profiting by pimping out these children do not escape prosecution because simply the children are incapable of being prosecuted. We want to make sure that no one escapes liability for using young

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children for their own profit or selling them sexually by us helping out the children and providing the services to these children.

So I would ask that this amendment be passed.

THE CHAIR:

Thank you, sir.

Will you remark? Will you remark further on Senate Amendment "A?"

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise to support the amendment and of course the underlying bill as well. We thank our Senator Kane for bringing this issue to our attention in the Children's Committee and, after much study on the part of the chairman who took an interest also in this bill and setting other model states that have put this into action, many of the concerns that were raised I think will be dealt well with the change in the language and certainly by this amendment to making sure that it doesn't have unintended consequences thereby underaged children would be targeted as profitable candidates for this type of business because they

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will not be prosecuted in essence. So hopefully this amendment will take care of that concern and it should be supported and again we thank all parties for bringing this good bill to our attention.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Boucher.

Will you remark further on Senate "A?" Will you remark further?

If not, I will try your minds.

All those in favor, please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed nay.

The Ayes have it. The amendment is
adopted.

Senator Musto.

SENATOR MUSTO:

Yes thank you, Mr. President.

One other aspect of this bill that I neglected to mention in my initial comments was that children who are 16 and 17 the presumption in those cases

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will change so that they were presumed to be coerced. This will also provide them with access to some human trafficking services that we have here in the state.

And with your permission, Mr. President, I would like to yield to Senator Kane. He's been instrumental in bringing this idea to us and in getting the -- this bill where it is today.

THE CHAIR:

Senator Kane do you accept the yield, sir?

SENATOR KANE:

Thank you, Mr. President, yes I do.

THE CHAIR:

Please proceed.

SENATOR KANE:

First of all I want to thank Senator Musto for helping us out with this legislation. The Children's Committee showed us quite -- how good they work together, bipartisan, and what kind of leadership they gave on this issue.

You know not all issues, not all bills, not all proposals are our ideas that's for sure. Many times they come from our constituents, our family, our friends. My wife is a clinical psychologist, I

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probably mentioned that a number of times, and in her American Psychological Association there was an article about this very subject and how this bill has been passed in states like New York and California.

It's a very serious issue that I think most people really don't want to talk about. I think they want to keep it on the back burner and pretend it doesn't exist. Well recently we held a documentary showing here at the LOB from a -- a movie maker called Playground and in the beginning of the documentary you see third world countries that you would think of where this type of activity happens but all of a sudden it makes a quick turn and talks about the United States because the United States is the biggest problem that human trafficking and forcing children into prostitution happens in the world.

American males are the worst offenders of this crime and American children are by far the worst victims. So this is a very serious issue that affects the State of Connecticut and all of the United States greatly. So I again want to thank Senator Musto. I want to thank the Children's

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Committee. I want to thank the Judiciary Committee. This truly is a good bill and will go a long way to help teenage victims who are coerced and forced into the sex trade and really have no other way to turn but to the programs that we can provide them and the help we can give them with this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 153 amended by Senate "A?"

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President.

I rise in support of this bill. As a legislator several years ago I brought this issue of human trafficking to the General Assembly and we have now codified that as a crime in this state and I'm very pleased to see that we've now gone the next step.

Looking at what else we can do to help children, young girls and young boys, who are sadly caught up in this cycle of activity that is

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obviously one that we would like to protect them from. We'd like to thank Senator Musto and his committee for bringing this forward and Senator Kane for his advocacy on this bill as well.

I was very pleased to see in the joint favorable report on this bill the variety of nonprofits and state agencies that support this bill because they do realize that this is a problem and one that is being addressed through this bill in a very responsible way and certainly it is my hope that, as we address this issue of human trafficking in Connecticut and in this country, that we can continue to research it and see what else we can do so that our children or children that are brought here from other countries are not subjected to the horrors of trafficking.

So with that I urge my colleagues to please vote for this bill. I -- I can't imagine why anyone would not. It's a -- a very good piece of legislation and it's my honor to speak about it. Thank you.

THE CHAIR:

Thank you, ma'am.

Will you remark further?

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Senator Duff.

SENATOR DUFF:

Thank you, Mr. President, good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR DUFF:

Mr. President I rise to support this legislation as well and I want to thank Senator Kane and Senator Musto and years back Senator Stillman for all her work on the issue of human trafficking. It's been very important and a very good learning experience I think for many of us here in the legislature.

But I've received countless emails from the Center for Youth Leadership at Brien McMahon High School in Norwalk and over the last few weeks or so, especially even during our spring break where many of the students were off in other places or on vacation not thinking about school, these students were so committed that they were sending me emails throughout their vacation and up to the last few days. They had come up to testify about this legislation. They had been working on a number of issues over the years that deals with human

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trafficking and they see this as just another logical step in trying to protect girls and boys and -- and -- who have been subject to human trafficking.

I had the opportunity a few years ago to meet a young girl who had been trafficked from another country and had been in Norwalk and had basically been a slave to a family and if it -- it weren't for the justice system and -- and others who took an interest in her who knows what would have happened to her but right now she has turned her life around. She has been much more successful than she otherwise would have been but she told me the extent of which the -- the problems that she faced so I do believe also that this is another logical extension to the work that many people have done in this building to deal with human trafficking.

So again my hat is off to my colleagues for doing this and also to those young people who have constantly cared about this issue and pushed it in front of their legislators in town by emails and phone calls, coming up to Hartford to testify on a bill that they believe is so important. So we talk

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a lot of times about activism amongst our young people. These folks at the Center for Youth Leadership at Brien McMahon High School walk the walk and they talk the talk and I'm very, very proud of their efforts and very happy to support the legislation and press the green button today on their behalf thanking them for all their hard work as well.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, I too rise to support this bill. I actually signed on as a co-sponsor. I can't think of anything more despicable than abusing children and using them for your pleasure. I think it is just outrageous and I thank Senator Kane for bringing this issue before the Chamber. We just, just cannot tolerate this kind of abuse of our children.

Thank you.

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THE CHAIR:

Thank you, ma'am.

Will you remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

If I may a question to the proponent of the bill.

THE CHAIR:

Senator Musto.

SENATOR WITKOS:

Thank you. Through you, Mr. President, I'm concerned and it maybe just -- you clarify this for me that if -- currently if parents are having difficulties with their children, teenagers, they may turn to the police for assistance because the child is generally maybe beyond the control of the parent and they're getting involved in deviant behavior and prostitution may be one of those forms of deviant behavior.

And so we had what was known as a FWSN case, a family with service needs, that a -- the police or a school counselor could send -- fill out and send that juvenile or child to the court system to get

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mandated assistance through the courts and I'm wondering does this bill do anything to hamper those type of efforts where a parent is trying to help their child and the only way that they can possibly do that maybe is through a court order?

Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

To Senator Witkos, no. This bill has absolutely nothing to do with any ability by a parent to work through any other system in state government. The sole purpose of this bill is to prevent these children who are being exploited from having a criminal record and from being put through the criminal prosecution system. Under the human rights legislation that Senator Stillman was talking about, these children would get services in any case.

And also, when a child is having these problems it's -- it's, as we hear on the Children's Committee all the time, it's rarely just one thing. It's usually -- maybe there are drugs involved,

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maybe there is theft involved, they're skipping school, they're engaging in some sort of violence or gang behavior. There are other things going on as well. I don't anticipate -- and for purposes of legislative intent and if some clarification is needed down the road as well, I certainly do not anticipate that this bill would, in any way, in any way, hamper the rights of parents or the ability of parents to get help from other agencies or bodies in the state. That would be directly in contrast to the intent of this bill and I don't think anyone in this circle would intend for that to happen.

Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I -- Senator, you brought up a good point and for clarification, if there is a -- say a party is a member of a gang and they are trying to raise money for the gang as -- for whatever the reason and they self-prostitute themselves, without being a pimp or a john involved and they're doing it as a means of making money, would they be exempt from

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any prosecution under this law?

Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

The answer is yes if they are under the age of 16, even a prostitute who is prostituting him or herself would be exempt from prosecution under this law.

Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

THE CHAIR:

Will you remark further on Senate Bill 153?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, I rise in support of this and wanted simply to rise to thank all of those who worked so hard on its behalf, first the Children's Committee, chaired by Senator Musto and our ranking member Senator Boucher for all of their hard work.

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This amendment I think recognizes an important part of this. Most especially want to thank Senator Kane for bringing this to our attention and his steadfast leadership on protecting these young -- young women from this horrendous crime of trafficking. And also to acknowledge the work over the years of Senator Stillman who has worked so hard on trafficking of -- of young girls, women in general, and bringing to my attention specifically the real dangers of it even here in Connecticut.

So this is a good piece of legislation and we should all be proud. Thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 153?

Will you remark further?

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

Absent of objection, I would like to place
this -- move to place this on the consent calendar.

THE CHAIR:

There is a motion on the floor to place the
item on the consent calendar.

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Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

Calendar page 12, matter marked second order of the day, Calendar Number 339, File Number 519, Senate Bill Number 443, AN ACT CONCERNING THE CANCELLATION OF UNISSUED BOND FUND AUTHORIZATIONS, favorable report of the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

I move acceptance the Joint Committee's favorable report and seek passage of the bill.

THE CHAIR:

Acting on approval of the bill, ma'am, would you like to remark further?

SENATOR DAILY:

Thank you.

This is basically a bookkeeping effort in the treasurer's office, cleaning up accounts from 1969 through 1986.

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Will you remark further on Senate Bill 443?

Senator Fasano.

SENATOR FASANO:

Thank you.

With a detailed explanation, Mr. President, I would ask the Clerk to call LCO 3843.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3843, which will be designated as Senate
Amendment Schedule "A," is offered by Senator Fasano of the 34th district et al.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I move the amendment and I request permission to summarize.

THE CHAIR:

Please proceed, sir.

SENATOR FASANO:

Mr. President, this refers to current section of the Connecticut General Statutes 3-16, which is entitled temporary borrowing and it says that the

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-- the treasurer is authorized, subject to the approval of the governor, to allow the treasurer to make certain transactions including, but not limited to, borrowing, issuing of obligations as may be necessary.

Mr. President, when you look at that section it seems to me that that section needs to be beefed up. What my amendment does, Mr. President, is it, one, puts a time period. As that current law is, if the Governor were to give this authority, there is no ending date so, therefore, unless it is rescinded, this type of power can go on for awhile without any restrictions.

What I propose to do, Mr. President, is one, there would be 100 -- 180 days from the date of the Governor's approval, which by time that authority would cease. Number two, the Finance, Revenue and Bonding shall hold public hearing on any proposed borrowing of the treasurer not later than 30 days after the treasurer notifies the intention of borrowing the funds and shall submit a detailed plan of the borrowing.

Mr. President, what this essentially does is say look we're going to give you this authority but

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it's not going to go unchecked. It's not going to go without review. We're going to put a time limit requiring all parties to look at it. We're going to let Finance, Revenue and Bonding look at what you've done and, I think most importantly, require a plan for the future if this power continues to exist. That lets everybody know what's going on.

Currently, by not being the law, this authority allows the treasurer, for -- for good or bad, without any oversight, without any review of -- of any of the General Assembly or even, in fact, once the power is given out by the Executive Branch, to say where are we going, how are we getting there, what are the terms, what are the conditions and what are the amounts?

This is an open checkbook. I don't think that's the right thing to do. I think we need to have control. I think to give control to one party, whoever that party may happen to be, for a -- a number, which is unspecified, an amount, which is undetermined which parameters are not -- have no bounds and there's no review, is too broad a scope.

So what this bill does is sort of pool it all

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back together. Mr. President, I hope for passage.

Thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?"

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

I would have to urge my colleagues to vote against this amendment or even seek to have the amendment withdrawn. The Finance, Revenue and Bonding Committee ~~is~~ aware of the issue and Senator Fasano is quite correct and we have spoken with the treasurer's office. They are in agreement that we need to do something in terms of the letter and have the letter from the Governor be for a specific period of time. That's supposed to be on its way to us.

Now, the rest of it I think deserves further consideration and a public hearing because it does interfere in the power of the treasurer's office and the duties and the operation of the treasurer's office. So I think it's something we don't need right now. It's something we would need if the

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treasurer's office doesn't come up with language in terms of some regulation in cooperation with the Governor's office who would issue a letter for a limited time period.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate "A?"

Senator Fasano, put us at (inaudible.)

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, based upon Senator Daily's comments and in light of perhaps receiving a letter regarding the parameters self-imposed by the Secretary of the State's office with respect to a -- to a time period, I will withdraw this amendment at this time, reserve the right that if we do not receive anything perhaps bring it back. In addition I look forward to working with my neighbor to my left with next year's session on a bill that perhaps can have a public hearing on the -- the powers as stated in the amendment.

So for those reasons, Mr. President, I would withdraw this amendment.

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There's a motion on the floor to withdraw

Senate "A."

Without objection, so ordered.

We're back to the bill. Any further comments?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

With the -- I'd like to call one other amendment that does not deal with 316, although I have a lot of amendments dealing with 316 and this other amendment is LCO 3858 and I ask the Clerk to call the LCO.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3858, which will be designated Senate Amendment Schedule B, it is offered by Senator Fasano of the 34th district et al.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, what this amendment does is it authorize -- I move the amendment and request

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permission to summarize.

THE CHAIR:

Please proceed, sir.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, what this amendment does is it requires the OPM secretary, in consultation with the State Treasurer, to submit on or before October 1st and annually thereafter any project, I should say to the Finance, Revenue and Bonding, a report identifying those projects that are five years old or older on our Bonding Commission which have not moved and recommend, where appropriate, cancellation of those bonding projects.

Mr. President, you may recall that recently the Governor as well as I think we have on our -- our calendar somewhere the recall of several bonding -- hundreds of millions of dollars of bonding projects in which these projects have sat on the bonding agenda over five years. They're no closer to getting approval, other projects can't go on, it's affecting our bonding rating, it's affecting the ability of us to -- to put other projects on plus we're reaching that critical level

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and it's unfair. It's unfair for those of us in our legislator -- in our legislature and in our districts who work very hard to get projects who are perhaps shovel ready and they can't get funding because we've reached that critical mass.

Mr. President, we should have a review. If, in fact, the Revenue and Bonding hears from the legislator that this project is imminent, here are the holdups, they're minor, it's going to go forward, well there's no requirement that they must remove it from the list. However, if there's projects that are clearly another two or three years away from approval, let's remove them. Let's get other projects that are ready and let's be realistic about it.

Mr. President, we did that this year at a time of economic crunch and I think it worked well. I think we should learn from this practice and, as a matter of course, do this type of operation. It makes prudent sense.

So with that, Mr. President, I would ask for passage.

THE CHAIR:

Thank you sir.

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Will you remark further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise to support the amendment. I think it has a great deal of merit. Not only does bonding -- do bonding commitments that have sat for five years or longer tie up the state's bonding capacity but there's no question that the longer a particular project sits, things happen, things change. The parameters of that project probably also change. The requirements may change and the financial need of that project might be changed. It's not a bad idea to review as most towns have five year plans on many of their capital projects for bonding. I think the state should likewise do the same and having that report, just know what's on there, is probably a -- a very good move and so I support the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate B?

Senator Daily.

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SENATOR DAILY:

Thank you very much, Mr. President.

Senator McKinney said to me isn't this a good one. This is a good one but we have it on our calendar as Senate Bill 25 and it is the purview of the Finance, Revenue and Bonding Committee and they have done that work going through our entire bond agenda and we do receive reports annually and we are not at our bond limit so have not yet been prevented from borrowing but we want to be very sure that we're under that. We're at a point between 87 and 89 percent today. So I would ask the Circle's indulgence, I would ask us to not approve this amendment and wait for Senate Bill 25.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate B?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

And I want to thank Senator Fasano for bringing forward the amendment and also thank the good chairwoman of the Finance Committee, Senator Daily, for what I -- what I think was support for

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Senate Bill 25 in moving that forward this session.

I just wanted to comment. You know there was some talk when the Governor came out with this proposal to rescind some bond authorizations that had been on the Bond Commission and been -- for more than five years and obviously a lot of legislators looked to the list and said wait there's a project in my town, we can't do that.

Just coincidentally I had just moved from a house that I had lived in for almost 15 years at the time and found stuff in my basement that had been there for a lot longer than five years. As it turned out nothing there was needed and I was able to either throw it away or give it away to charity.

Now what's in our basements or attics is not necessarily perfectly symbolic of millions of dollars of bond projects but I think you get the point. If things haven't been moved in five years, we should de-authorize them. Let those communities, groups, organizations, whatever they are, come back to the legislature and the Finance Committee and the Governor and reargue the merits of their project and see if there is approval for that.

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But it makes no sense to keep these things on for five or ten or fifteen years, whether we're at our statutory bond cap or not, I think it's misleading to Wall Street. I think it's misleading to the communities who think that one day they're going to get this money when in all likelihood they are not.

So I think this is a good amendment. I don't see Senator Fasano in -- in the Chamber now but if we could just hold for one second.

THE CHAIR:

The Senate will stand at ease.

Senator McKinney.

SENATOR MCKINNEY:

Mr. President, if I could yield to Senator Fasano.

THE CHAIR:

Senator Fasano would you accept a yield from the Minority Leader?

SENATOR FASANO:

Yes sir. Thank you, Mr. President.

I apologize.

THE CHAIR:

That's quite all right.

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SENATOR FASANO:

Mr. President, based upon the conversation regarding S.B. 25, I will withdraw this amendment as well.

THE CHAIR:

You're not going to make this a habit all tonight are you?

SENATOR FASANO:

No, no, no, this is good enough.

Thank you, Mr. President.

THE CHAIR:

There is a motion to withdraw the amendment.

Seeing no objection, so ordered.

Will you remark? Will you remark further on the bill that is unamended, Senate Bill 443?

Will you remark on the bill?

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

If there's no objection, I would move this to our consent calendar.

THE CHAIR:

There is a motion on the floor to place the item on the consent calendar.

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Seeing no objection, so ordered.

Mr. Clerk.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, I believe that the -- the next item that had been marked go, calendar page 28, Calendar 101, should be marked passed retaining its place on the calendar at this time. And then if the Clerk might call the next item which I believe is calendar page 34, Calendar 226.

THE CHAIR:

Mr. Clerk.

SENATOR LOONEY:

If not -- if that -- if that might be marked pass temporarily, Mr. President, and if we might stand at ease for just a moment.

THE CHAIR:

Mark pass temporarily, seeing no objection, so ordered and the Senate will stand at ease again.

Mr. Clerk.

The Senate will come back to order.

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Senator Looney are you -- you're on board,
there you go.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President, thank you. If the -- if the
Clerk would call from calendar page -- calendar
page three, Calendar 53, Senate Bill 141.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page three, Calendar Number 53, File
Number 28, Substitute for Senate Bill 141, AN ACT ~~Re~~
REQUIRING DISCLOSURE OF OFFSETS IN GROUP LONG-TERM
DISABILITY INSURANCE POLICIES, favorable report of
the Committee on Insurance and Real Estate.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, I move for acceptance of the
Joint Committee's favorable report and passage of
the bill.

THE CHAIR:

Acting on approval and passage, sir, would you

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like to remark further?

SENATOR CRISCO:

Yes, Mr. President.

The Clerk has an amendment, LCO -- one minute please -- 3562. I ask that it be called and I be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3562, which will be designated Senate
Amendment Schedule "A," is offered by Senator
Crisco of the 17th district.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, I move for adoption.

THE CHAIR:

Please proceed, sir.

SENATOR CRISCO:

Yes, Mr. President.

Mr. President and members of the circle this is basically a technical amendment. It will make several technical and clarifying changes to the

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bill. In Subsection A, the amendment clarifies that group disability insurance policies cannot -- cannot reduce policy benefits for cost of living increases and other benefits that occur after the claims commences.

In Subsection B, the amendment requires the insurer to provide disclosure information to the policyholder in a separate document with all types of protections and in Subsections B and C are amended to clarify that the disclosure provisions apply to eligible individuals in order to account for the fact that group disability insurance policies may also be sold to nonemployment based groups such as associations.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment "A?" Will you remark further on Senate Amendment "A?"

If not, I will try your minds.

All those in favor, please signify by saying Aye.

SENATORS:

Aye.

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THE CHAIR:

Opposed no.

The Ayes have it. The amendment is
adopted.

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, the bill as amended really provides transparency in regards to a very important insurance product, the group long term disability insurance. It just requires that information be given to the policyholders that an offset is the policy provision that reduces the amount of benefits available under the policy if benefits are also available from other sources such as Social Security and the bill requires each policyholder to provide the -- the disclosed information to each employee eligible for long-term benefits.

It is a provision -- a bill that needs to be communicated to policyholders that there are these offset provisions and it also is very important to the integrity of the concept.

And with that, I would like to yield to

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Senator Prague.

THE CHAIR:

Senator Prague do you accept the yield, ma'am?

SENATOR PRAGUE:

Mr. President, I do.

THE CHAIR:

Please proceed, ma'am.

SENATOR PRAGUE:

And through you, to Senator Crisco, I want to thank him for raising this bill. The purpose of this bill is to let people know what will happen to them under their disability policy with a Social Security offset that, if you become disabled and collect Social Security Disability and I can tell you I know this from an -- an incident in my family, you become disabled under Social Security, that total amount of your Social Security disability is deducted off of your disability benefit insurance coverage.

And besides that, not only what you get in Social Security disability but what your kids get, what your dependants get, and besides that, Mr. President, in addition if that isn't enough to reduce all of the benefits that the insurance

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company is paying you under your disability policy, they take your pension.

I think it is outrageous that that happens to people. They need to know what they're getting in a disability policy before they buy it. Sometimes employers give the disability coverage as a benefit. Sometimes the employees have to pay for it. Usually what happens is you insure a percentage of your salary because if you become disabled you want your family to have some kind of protection.

But if the disability is bad enough so that Social Security recognizes it and you are granted Social Security disability, you don't wind up with very much, if anything, under these disability policies. There are 13,000 state employees that have disability insurance. It's just very important for people to know what the benefits truly are so that they can make preparation for their family.

This disability benefit -- insurance company will take all the benefits that you get to offset what they pay you. Senator Crisco's bill is extremely important because it has a separate fact

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sheet that comes with the policy that tells you at least that the Social Security is an offset. It doesn't tell you -- and it says "and other sources of income". Well "and other sources of income" means what your dependants get and what your pension is.

So having said that, I think this is important for people to know and, again, thank you, Senator Crisco.

THE CHAIR:

Thank you, ma'am.

Will you remark further?

Senator Caligiuri on Senate Amendment "A."

On A -- Senate Amendment -- I'm sorry on Senate Bill 141 -- I'm sorry.

Senator Caligiuri, you're right.

SENATOR CALIGIURI:

Thank you very much, Mr. President.

Just very briefly on the underlying bill as amended, it's a pleasure for me to be supporting it today. As is often the case we've been able to take an issue and work ourselves through to the point where we are putting forth before the circle today legislation that will ultimately provide

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additional information to consumers. It's information that the insurance buying public I think will be very helped to have access to and -- and I think it's a good bill. It was a pleasure to support it in committee and I look forward to doing it again for these reasons on the floor of the Senate today.

Thank you, sir.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 141 as amended by "A?"

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

And very quickly I too rise to support this. No family should have to go through what Senator Prague's family went through last year. And when somebody has incurred a disability and is dealing with that and thinks that there's a certain amount of financial resources and they don't exist. It's very troubling. So I think this is a wonderful thing to make sure that everybody that buys a policy knows very clearly what they're covered for

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and what offsets might exist.

THE CHAIR:

Thank you, ma'am.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Just briefly, I was going to say almost exactly what Senator Daily said so I'll try to be very short but we should always be mindful that when people are purchasing insurance policies that they know everything that they're supposed to get and what they may not get. I do think there is a need for offsets in the long-term disability market and getting rid of them would probably eliminate that market so I think this bill strikes an extremely important balance which allows the industry and the free market to sell these policies but guarantees that people, before they buy them, know what they're buying and know that it will set their family up financially and if not they may look at other options.

But in years past we've disagreed, Senator Prague, on amendments to get rid of the offset but

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understanding the situation that's happened to you but to many others I'm sure as well, the idea that we would guarantee that everyone purchasing one of these policies is going to know exactly what's going happen, what might happen with offsets in their pensions is important public policy so I stand in full support of this bill as amended.

Thank you.

THE CHAIR:

Thank you, Senator McKinney.

Will you remark further on Senate Bill 141 as amended by "A?"

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Yes, Mr. President, I want to commend all those people who worked on -- on this very difficult issue and in particular Senator Prague for putting what's best for the people of Connecticut ahead of what may be personally benefit for her own family situation. As Senator McKinney did mention, it's one of those balancing acts where if policies are changed the costs may rise so highly that people may not be able to afford it and

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we create a -- a worse problem by not having enough people covered.

Stated this, we -- we state this fact based on the information that is given to us by the industry and accepting their integrity for giving us this information that's why we are trying to come to a balanced approach in making sure that we not only give information but also there is a -- a provision where if an employee does want -- who wants to -- who does not want the offset, they may contact an insurance agent or a company for an individual policy. You know that is the extreme but at least they have that option.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 141 as amended with Senate "A?"

Senator Crisco.

SENATOR CRISCO:

Mr. President, if there's no objection, I asked it to be placed on the consent calendar.

THE CHAIR:

There is a motion on the floor to place the

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item on the consent calendar.

Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you.

If the Clerk may now proceed along the -- the list of items previously marked go in regular order. .

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page three, Calendar Number 61, File Number 43, Senate Bill Number 131, AN ACT CONCERNING RETAINAGE, favorable report of the Committee on General Law.

THE CHAIR:

Senator Colapietro.

SENATOR COLAPIETRO:

Thank you, Mr. President.

I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval and passage, sir, would you like to remark further?

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SENATOR COLAPIETRO:

Thank you, Mr. President.

THE CHAIR:

Please proceed.

SENATOR COLAPIETRO:

This bill came out of committee unanimously and virtually no one testified against it in the public hearing so the industry has accepted the reduction of seven and a half percent down to five percent and they seem to be okay with that. I myself -- my personal preference is that there shouldn't be any but if retainage for the members of the Circle is money that's withheld, I can't give you an honest answer why it's withheld. It's withheld so that -- when they -- everything is okay again and again and again then they will give the money back supposedly. Hopefully they think that if somebody goes belly up while they're holding that money back they can put it in their pocket, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 131?

Senator Witkos.

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SENATOR WITKOS:

Thank you, Mr. President.

I also rise in support of the bill before us today. There was some concerns most recently that were being discussed out in the hallways as to members of the banking community may have some reservations about this bill but let me set those reservations and concerns aside.

What we're talking about here basically are commercial construction loans wherein the -- a developer will go to a bank and take out a loan, we'll use an example of \$1 million, and they're required under our Connecticut state statutes to hold back seven percent of that money. What happens is as the building is being built, the contractor will say I need you to come out and we need a release of funds. Say we've -- we've completed \$500,000 worth of work on the building, we'd like you to come out and approve the release of \$500,000.

So the bank will send a representative out to the construction site, generally at a -- at a fee of \$100 to \$150, and they will make the determination, the bank at this time, whether or

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not they believe that \$500,000 worth of work has been done. If the bank determines that, in their estimate, only \$400,000 of work is done, they only advance \$400,000 of the loan.

So there is a built-in safeguard for the financial institution to make sure their project gets done. They won't release the money unless, through their own interpretation or somebody that they hire, believes that that work is done.

There are concerns from prior years when the loan to value ratio was being lent at 100 percent. That's not done anymore. Right now when somebody comes in, the bank will say well we're going to loan you 65 percent, 80 percent of the cost of the value of when it's done. So if the project went belly up at the very beginning, there's equity built into that project so the bank can recover any costs that they might have lost.

Years ago they couldn't because they were lending at 100 percent so if the project flipped, the bank had no equity so they couldn't sell it out, that was the concern. But reducing the retainage from seven percent to five percent will certainly allow -- more money is available to

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contracts -- contractors to go out and do more work
is a pro job bill.

I'd ask the Chamber's support.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, a couple of questions to the
proponent of the bill.

THE CHAIR:

Senator Colapietro.

SENATOR KANE:

I'll give you a second.

Through you, Mr. President, I believe this
bill talks about contractors who work with
municipalities in -- in the State of Connecticut.

Through you, Mr. President.

THE CHAIR:

Senator Colapietro.

SENATOR COLAPIETRO:

Thank you, Mr. President.

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The bill actually only deals with commercial construction so it could be municipalities or it could be anyone commercially.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Oh okay so -- so it can be State of Connecticut municipalities, any -- any commercial endeavor, okay.

If a contractor, and I understand Senator Witkos's point about creating jobs and giving the contractors the ability to hold more funding and maybe use that towards their -- their potential programs, potential jobs, I -- I get that and I -- I appreciate that, but at the same time I wonder if there were an issue with a particular project that, you know, that's -- I know in -- in my town we've -- we've done three schools recently and there were many change orders, there were many unseen circumstances, unforeseen I should say, and that extra money is used for those type of events, for those type of things that occur.

So, through you, Mr. President, do you not -- do you believe that maybe this would put the towns

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in jeopardy because of those particular change orders or -- or keep them in a situation where they don't have the ability to meet those requirements because there is not enough funding in that -- in that monies that are held?

THE CHAIR:

As soon as he gets his phone, he'll be all set.

Senator Colapietro, tell them you're busy that's all.

SENATOR KANE:

Thank you. ...

Through you, Mr. President.

SENATOR COLAPIETRO:

Thank you, Mr. President.

That -- that money is not supposed to be used for patching up something. You already have final payment. You have a punch list, what they call a punch list, when something goes wrong say a light bulb isn't put in or a fixture is supposed to be put in, they've gotta finish that up then they get their final payment.

The 5 percent retainage, which there is no such word in the dictionary retainage, it's just

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the way for somebody else to make more money off of somebody's money and they can also turn around and hold that money back, like I said before, and wait until they go belly up and hope that they go belly up and then they put the money in their pocket and go away with it.

So it's not money that is supposed to be used. You also have a year's warranty. After a year if something is going wrong and something should be fixed, I'm sure that the contractor or the person who messed it up somehow would fix it or they'd never get another job again.

I have to shut it off.

THE CHAIR:

It's busy.

SENATOR COLAPIETRO:

So through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Apparently, someone else has a few questions as well.

THE CHAIR:

Absolutely.

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SENATOR KANE:

Through you, Mr. President, I guess one more question. It has been brought to my attention and I'm sure the attention of others that when you lower this level, this threshold, then it potentially may cost that contractor more money in the long run because of the creditworthiness question. So for example I guess in -- in our own homes, in our own businesses, if we have a greater down payment on -- on a particular project, then maybe we get a lower rate.

Can you speak to that at all?

Through you, Mr. President.

THE CHAIR:

Senator Colapietro.

SENATOR COLAPIETRO:

Certainly, Mr. President.

Like I said before, that money is not used for down payments or anything else. It's only extra money besides what they've already agreed upon. And I'll give you a perfect example. One contractor told me of a -- of a -- I mean a subcontractor told me of a contractor that came up from Tennessee and said, well, in Tennessee, we get

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20 percent and the contractor, with our law here in Connecticut, scratched it off and said no in Connecticut we only get seven and a half percent. And the guy said well, in Tennessee, we get 20 percent and the contractor said, no, in Connecticut, we get 7 and a half percent.

So the industry as a whole has decided that they would settle for 5 percent.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Then I'm confused. If -- let's -- give you -- let's do a simple math example then. If -- if the project is valued at \$100,000, if this bill goes through, the retainage is 5 percent that would be \$5,000. If that is not used and -- and I know I -- I said it quite elementary you know as a deposit, if that is not used for those purposes, what is the 5 percent used for?

Through you, Mr. President.

THE CHAIR:

Senator Colapietro.

SENATOR COLAPIETRO:

Through you, Mr. President, that's the

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question I keep asking everybody, what is the 5 percent for. I never could get an answer. I always get the same answer every time. What do you do when somebody doesn't finish the job right and then you say this is wrong and they finish it? Then you pay them final payment. Okay. Then if you have what they call a punch list, which means there's scratches here, scratches there, what do you do after they do that? Well we give them the rest of the money, final payment. Okay so then they got that.

Then they turn around and I say, well what do you have the 5 percent for? This is after they get a year's warranty on almost anything you -- you can buy or -- or build. I get the same exact answer what's the 5 percent for; I don't know. And so I said that it's -- it's actually -- what it is -- is an accepted construction industry way of holding back money for years but it's gotten so far out of hand that it went up to 25 percent in some cases and we're just trying to reduce it to five with the industry's blessing.

Through you, Mr. President.

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Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I guess, you know, I'm still trying to figure all this out. If the -- how -- well let me go -- let me ask this question first. How long has it been seven and a half percent?

Through you, Mr. President.

THE CHAIR:

Senator Colapietro.

SENATOR COLAPIETRO:

I think it's been four years since the last time I did the contract -- the -- and I preferred zero percent and I settled for seven and a half percent.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

So then if -- if it were zero percent then there would be no retainage at all which would create quite a risk I guess in my mind. I'm still trying to figure out this whole -- how this money

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is being used. The -- if the -- the industry standard was seven and a half percent and now we lower it to five, that's -- that's -- I guess my concern is that on these particular projects the companies that are making the -- or doing the contracting, they're doing the work, they have to go out for credit for the rest of those dollars I'm assuming and I believe that that would change their rate based on the value of the project.

So that's why -- I guess I still have some concerns about the project.

Thank you, Senator Colapietro, I -- I guess I have no more questions but I -- I do want to hear the rest of the debate before I make my decision because I'm still a little not quite sure on how the retainage is used and how much a percentage it really should be and then lastly how that affects that said contractor when they go out for credit.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 131?

Senator Colapietro.

SENATOR COLAPIETRO:

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Through you, Mr. President, the only thing I can say is that I agree with Senator Kane that we don't why they have the 5 percent -- the seven and a half percent retainage. We haven't been able to figure that out and I haven't been able to figure it out in five years or six years so we did settle for seven and a half percent and if -- if there's no further discussion, I would move --

THE CHAIR:

Senator Colapietro, I believe Senator Fasano would like to speak.

SENATOR COLAPIETRO:

Oh thank you, Mr. President. I'm sorry.

THE CHAIR:

Thank you, sir, that's okay.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I rise in support of the bill. I think that Senator Kane has very good questions and makes some very good points however my experience is that, in the business world when you do contracts for construction, road construction, site improvement construction, it's usually 5

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percent of each line item that is held as a retainage.

I don't know where 7.5 percent came in -- in these other issues but I'll tell you it's 5 percent and when a contractor is held back on 5 percent, Mr. President, in this economy, that's still a lot of money. Going from 7.5 to 5 would be in keeping with the standards of practice that I see in a daily routine as a lawyer who does developments for various clients that the 5 percent is what I see as a normal.

Now, I understand that some banks want to hold 7.5 percent and I'm not suggesting their motive may be of a different caliber which is obviously the more money they can retain from giving out the more money they get to lend because they get to secure that extra two and a half percent on all their construction contracts, hold that in reserve in their bank and use that as -- as on their balance sheets if you would.

I'm not suggesting that's the case but I can't find a rationale from the five that's the standard practice to 7.5. Mr. President, I've been involved in a lot of projects, both municipal, maybe not

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state, but municipal and private and I find that the 10 percent is enough of a -- of a lure to keep the contractor on the table. Usually when you get down to that 5 percent you're into their profits because they pay the suppliers, they pay the other people along the way. This is what they get to take home at the end of the day.

So I think you have a motive for them to come back so I don't think it's an issue that they're going to walk away from 5 percent or they wouldn't walk away from a seven and a half percent.

Nevertheless, Mr. President, I think this bill makes a lot of sense. I think it makes most sense in this industry at this time and I would support the passage of this bill.

Thank you, Mr. President.

THE CHAIR:

Senator Colapietro, would you like to speak again?

SENATOR COLAPIETRO:

Thank you, Mr. President, I would.

I would just like to thank Senator Witkos and Senator Fasano for their explanation of the 5 percent. I just want to add to it that I had calls

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from several contractors that were just teetering on the borderline of going under and they told me that at seven and a half percent it's really borderline whether they're going to be able to stay in business or not if they got that money. If they've withheld the money too long, they would have to go belly up and go under and I didn't want to see that.

Thank you, Mr. President.

And if there's no further discussion I would move this item to the consent calendar.

THE CHAIR:

Is there any further discussion on Senate Bill 131?

There is a motion on the floor to place the item on Consent.

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

Calendar Number 69, File Number 37, Senate Bill Number 62, AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR STATUTES, favorable report of the Committee on Labor.

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THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

That item might be pass temporarily.

THE CHAIR:

Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President if we might -- if we might
proceed to calendar page 3, Calendar 78, Senate
Bill 265.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Number 78, File Number 77, Senate
Bill 265, AN ACT REQUIRING HEALTH CARE PROVIDERS TO
DISPLAY PHOTOGRAPHIC IDENTIFICATION BADGES,
favorable report of the Committee on Public Health.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, if we might pass that item
temporarily and stand at ease for just a moment.

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THE CHAIR:

Seeing no objection, item is passed
temporarily and Senate will stand at ease.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, if the Clerk would call from
calendar page 5, Calendar 139, Senate Bill 173.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page five, Calendar Number 139, File
Number 192, Substitute for Senate Bill 173, AN ACT
CONCERNING ACTION PLANS FOR THE DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT, favorable
report of the Committee on Commerce.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Good afternoon, Mr. President.

THE CHAIR:

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Good afternoon, sir.

SENATOR LeBEAU:

I move acceptance the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, sir, would you like to remark further?

SENATOR LeBEAU:

Thank you, Mr. President, yes I would.

Clerk has an amendment, LCO Number 3867, may he call it and may I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3867, which will be designated as Senate Amendment Schedule "A," it is offered by Senator LeBeau of the 3rd District.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Mr. President.

With this -- this is a technical change --

THE CHAIR:

Do you move, sir, do you move the amendment?

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SENATOR LeBEAU:

I move -- I move passage of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR LeBEAU:

Thank you, Mr. President.

This is a technical change that was requested by the Office of Policy and Management including the Office of Policy and Management along with the Governor in the -- the reception of the one year action plan that is being proposed by this bill.

Thank you, Mr. President. ...

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?"

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

And I stand in favor of it. I will not be asking any questions to the proponent; may sit down if he would like to.

The -- the bill is a good one. We -- we all know that in any business that we're involved in or any effort for that matter you have to be thinking

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strategically. You have your long-term plans and your long-term strategic plan. You also have your tactical plans, the shorter term plans. In the case of the five year strategic plan, there's a lot to that plan. I know all of you have read it page for page. It's about 497 pages long but times changes very quickly these days.

Industry circumstances change. The policies of the State of Connecticut change very quickly. Everything seems to change much quicker these days with the advent of connectivity as the kind of bandwidths that we're talking about today. New ideas evolve very, very quickly and new opportunities for the State of Connecticut also evolve very, very quickly and if there's one complaint that seems to rise to the top in the whole universe of economic development it's that it takes too long to make decisions and we have been improving and trying to improve in all the different areas to make decisions much quicker, much more efficiently these days.

This goes hand in hand with that idea of trying to refine our tactical goals in economic development so that we can -- we can become much

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more appealing to the outside world outside the borders of Connecticut as well as within our own borders to those who are seeking the expand, seeking to start a new business or whatever the case might be. So I stand in favor of this bill, Mr. President, and thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?" Will you remark further?

If not, let me try your minds. All those in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. Senate "A" is adopted.

Will you remark further on Senate Bill 173 as amended by Senate "A?"

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Mr. President.

I would agree with the remarks of the ranking member of the -- of the Commerce Committee. You

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know we have a -- in a sense when you're going into a battle you have -- or going into a war you have a strategy and these are -- this is more of a tactical approach, a year by year approach.

Senator, I -- I did read all -- all 521 pages of that strategic plan -- 521 -- and it's a -- it is very broad and what this bill does is attempts to bring that into a better focus on a short term to say what are we doing next year, what are our priorities, what are the things that we need to do to achieve our strategic plan and setting it out in a step by step progression and that's what the -- this bill attempts to do.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the bill as amended? Will you remark further?

Senator LeBeau.

SENATOR LeBEAU:

If there's no objection, I'd like to move this bill to the consent calendar.

THE CHAIR:

There's a motion on the floor to place the

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item on Consent. Seeing no objection, so ordered.

Mr. Clerk.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the Clerk would please call
as the next item calendar page 5, Calendar 151,
Senate Bill 149.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 5, Calendar Number 151, File
Number 191, Substitute for Senate Bill 149, AN ACT
CONCERNING THE GOVERNOR'S POWER TO MODIFY OR
SUSPEND STATUTES, REGULATIONS OR OTHER REQUIREMENTS
DURING A PUBLIC HEALTH EMERGENCY, favorable report
of the Committee on Public Safety and Human -- and
Public Health.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

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Thank you, Mr. President.

I move the Joint Committee's favorable report
and passage of the bill.

THE CHAIR:

Acting on approval of the bill, ma'am, would
you like to remark further?

SENATOR STILLMAN:

Yes, thank you, sir.

This bill was requested by the -- our
Department of Homeland Security and Emergency
Management. This bill allows the Governor, when
she declares a civil preparedness emergency, to
modify or suspend statutes, regulations and other
requirements that could conflict with the
protection of the public health and I urge its
adoption.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate Bill 149?

Will you remark further?

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir.

If there aren't any questions, I'd like to ask

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that it be moved to the consent calendar.

THE CHAIR:

There's a motion on the floor to place this
item on consent. Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you.

For a couple of changes in -- in markings back
on calendar page 4, Calendar 116 should be marked
pass retaining its place on the Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Calendar page 6, Calendar 168, Senate Bill 361
should also be marked passed retaining its place on
the calendar.

And, Mr. President, a change from a couple of
markings made -- made earlier. On calendar page
16, Calendar 428, Senate Bill 313 that had
previously been marked to be placed on the foot
instead would want to mark that item passed
retaining its place on the calendar.

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Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Excuse me, Senator Looney.

Senator Looney, on that Calendar Number 428
you want to remove it from the foot and pass retain
it?

SENATOR LOONEY:

Yes, Mr. President, thank you.

THE CHAIR:

Thank you.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President, as the next ready item if we
might go to calendar page 8, Calendar 221, Senate
Bill 156.

THE CHAIR:

Mr. Clerk.

The Senate will stand at ease due to technical
issues.

Good job, Mr. Clerk. Could you please call
the -- in case we have a -- Mr. Clerk.

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THE CLERK:

Calendar page 8, Calendar Number 221, File
Number 336, Senate Bill Number 156, AN ACT
CONCERNING THE TRANSFER OF EDUCATIONAL CREDITS,
favorable report of the Committee on Children and
Education.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

I move the Joint Committee's favorable report
and adoption of the bill.

TH.

THE CHAIR:

Acting on approval of the bill, sir, would you
like to remark further?

SENATOR MUSTO:

Yes, Mr. President, thank you.

THE CHAIR:

Please proceed.

SENATOR MUSTO:

The -- the bill is -- is really quite simple.
All it does is currently when someone changes
schools the school district has to give notice.
This just requires them to give notice within two

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days. There is no prior language like that in current law and, therefore, we just thought that it would be a good idea to tell school districts that they have to do it within a certain period of time so that the students wouldn't suffer by not having their transcripts and such transferred.

The second thing it does is it incorporates Unified School District II in with Unified School District I for purposes of transferring educational credits. Unified School District II is basically the school under the auspicious of the Department of Children and Families whereas District I is under the Department of Corrections.

There's really not that much more to it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

I rise to support this bill as well. Having visited Unified District II on an occasion or two, they really do very good work with some very difficult situations and, in fact, many of the

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young people in that particular school district get a -- almost better education when they're actually forced to have to attend school every day when in the past they might not have done so and oftentimes actually gain -- gain credits and education where they might not have and I think this is a very good bill that is long in coming and should be supported by everyone in the Chamber.

Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am.

Will you remark? Will you remark further on Senate Bill 156? Will you remark further on Senate Bill 156?

Senator Musto.

SENATOR MUSTO:

If there's no objection, Mr. President, I'd like to place this on the consent calendar.

THE CHAIR:

There's a motion on the floor to place the item on consent. Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

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To mark several more items. First, Mr. President, two items that were pass temporarily earlier on I believe are now to be marked go. First of those calendar page 3, Calendar 69, Senate Bill 62, and also calendar page 3, Calendar Number 72, Senate Bill 95 will also be marked -- marked go.

THE CHAIR:

I believe that was already a go, sir, on my calendar.

SENATOR LOONEY:

Yes. That's -- that is -- that will be a -- a go and -- and then we have several other bills later in the Calendar, Mr. President, but are ready for action at this time that we will mark go as the next items after those. One is the first -- is calendar page 26, Calendar 51, Senate Bill 51. Also calendar page 26, Calendar 54, Senate Bill 190 and calendar page 29, Calendar 129, Senate Bill 50 and then calendar page 32, Calendar 191, Senate Bill 407.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

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Mr. Clerk.

THE CLERK:

Turning to calendar page 3, Calendar Number 72, File Number 40, Senate Bill Number 95, AN ACT PRESERVING GOOD CAUSE FOR LATE FILING OF CERTAIN UNEMPLOYMENT COMPENSATION APPEALS --

THE CHAIR:

The Senate will stand at ease for a second.

THE CLERK:

Correction -- Calendar Number 69, File Number 37, Senate Bill Number 62, AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR STATUTES, favorable report of the Committee on Labor.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval and passage of the bill, ma'am, would you like to remark further?

SENATOR PRAGUE:

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I would, Mr. President.

This bill is just -- constitutes technical corrections to the labor statute. It puts in periods and commas where they were left out and it just makes the statutory language appropriate.

THE CHAIR:

Thank you, ma'am.

Would you like -- like to remark further on Senate Bill 62?

SENATOR PRAGUE:

Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

The Clerk has an amendment in his possession. Would he please read, and I be allowed to summarize? It's LCO Number 2946.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 2946, which will be designated Senate Amendment Schedule "A," is offered by Senator Prague of the 19th district.

THE CHAIR:

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Senator Prague.

SENATOR PRAGUE:

I move adoption, Mr. President.

THE CHAIR:

Please proceed, ma'am.

SENATOR PRAGUE:

Thank you.

This came from the Labor Department. It is a correction to the statutory language. In line 10 it removes the or next of kin which is improperly placed in the statute. I move adoption of the amendment.

THE CHAIR:

Thank you, ma'am.

There's a motion on adoption of Senate Amendment "A."

Would you like to remark further on Senate Amendment "A?" Would you like to remark further on Senate Amendment "A" to Senate Bill 62?

If not, let me try your minds. All those in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

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Opposed, nays.

The ayes have it. The amendment is adopted.

Senator Prague.

SENATOR PRAGUE:

Mr. President, if there is no objection, I'd
like to place the bill as amended on the consent
calendar.

THE CHAIR:

Is there any further discussion on Senate Bill
62 as amended by Senate "A?"

There's a motion on the floor to place the
item on Consent. Seeing no objection, so ordered.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Thank you, ma'am.

Mr. Clerk.

THE CLERK:

Calendar Number 72, File Number 40, Senate
Bill Number 95, AN ACT PRESERVING GOOD CAUSE FOR
LATE FILING OF CERTAIN UNEMPLOYMENT COMPENSATION
APPEALS, favorable report of the Committee on
Labor.

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Senator Looney.

SENATOR LOONEY:

Mr. President, if that item might be pass temporarily.

THE CHAIR:

Without objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 26, Calendar Number 54, File Number 31, Senate Bill 190, AN ACT CONCERNING A FOUR-HOUR ACCIDENT PREVENTION COURSE FOR OLDER DRIVERS, favorable report of the Committee on Insurance, Transportation and Appropriations.

THE CHAIR:

The Senate will stand at ease.

Mr. Clerk.

THE CLERK:

Turning to calendar page 26, Calendar Number 51, Substitute for Senate Bill Number 51, File Number 22, AN ACT CONCERNING ELECTRONIC DATA STANDARDS FOR MACHINE-READABLE MEDICAL BENEFITS IDENTIFICATION CARDS AND SCANNING DEVICES, favorable report of the Committees on Insurance, Public Health and Appropriations.

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THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

THE CHAIR:

Just -- just one second sir -- make sure we
get it up on the board.

SENATOR CRISCO:

No problem, sir.

THE CHAIR:

Please proceed, sir.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, I move for acceptance of the
Joint Committee's favorable report and passage of
the bill.

THE CHAIR:

Acting on acceptance and approval, sir, would
you like to remark further?

SENATOR CRISCO:

Yes, Mr. President.

THE CHAIR:

Please proceed, sir.

SENATOR CRISCO:

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The Clerk -- the Clerk -- thank you, sir --
Clerk has LCO Number 2433. I request that it be
called and I be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 2433, which will be designated at Senate
Amendment Schedule "A," is offered by Senator
Crisco of the 17th District.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

I move for its adoption.

THE CHAIR:

Acting on approval and adoption, sir, would
you like to remark further?

SENATOR CRISCO:

Yes, Mr. President.

THE CHAIR:

Please proceed.

SENATOR CRISCO:

Thank you, sir.

Mr. President, this is a strike all amendment

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and it addresses the issue of trying to reduce costs in the health care industry by having each individual insured with a readable, almost like a credit card, that will designate pre-authorization and other important information. We see it as an excellent technology to reduce costs in the future.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment

"A?" Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Through you to Senator Crisco if I may.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Yes sir.

SENATOR FASANO:

Senator Crisco, with respect to, through you, Mr. President, I -- I see the language but I looked on these devices that are being read. Is it patient information? Is it doctors? I'm -- I'm a little bit confused, I know it's a strike all so I

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-- I apologize for not having the information on hand.

THE CHAIR:

Senator.

SENATOR CRISCO:

Mr. President, through to Senator Fasano, I -- I apologize for not being more specific. Basically what the strike all amendment accomplishes is that it puts the subjective into the arms of the Sustinet program and it designated its Sustinet program to come up with an acceptable machine readable card that will contain appropriate information as they deem necessary which can be patient information, pre-authorization information, basically all the information that is -- that is required.

There is technology present, particularly in the City of East Hartford, where a company has already produced a product for other states and so basically it takes everything from the Public and Health Department, puts it into Sustinet to come back with the appropriate recommendations.

THE CHAIR:

Senator Fasano.

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SENATOR FASANO:

Okay. I -- I -- once again I apologize.
I'm -- so this is relative to the Sustinet program
on a bill that we passed last year and the idea is
that this is the committee, being the Sustinet
committee, shall, with the Commissioner of
Insurance, offer -- do they offer recommendations
for this electronic information or are they
actually implementing by this strike all the
electronic information in the Sustinet program?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Fasano,
let me state if -- if Section 1 in the -- the
amendment is read, it reads, you know, Section
19a-714, et cetera, et cetera, that contains all
the Sustinet language that's needed. The LCO
figured this was the best way to draft the
amendment. But in -- in that section is -- is
reference to other entities but basically the
entity that we are interested in is Sustinet to
come back with a plan that this General Assembly

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could approve.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So if I'm correct, and I really do apologize, I just don't understand this. So basically what we're going to do is whatever the Sustinet program comes up with, whatever those benefits are, that information is going to be encoded on a card and that card would be distributed to whom?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Through you to Senator Fasano, first the -- the recommendation is going to come back to the General Assembly and the committee of cognizance which will look at it and make their recommendation to the various Chambers. And in that recommendation will include specific information that's being recommended and it's up to our committee process and the Chamber to determine whether the information is what we think is

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correct, not correct, add to it or delete.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

But that card is to people who are enrolled through the Sustinet program eventually get that card. Is it for pharmacists? Is it for doctors? Who -- once those cards are printed with the information that they suggest and we agree to, who gets those cards?

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Fasano, basically the objective is for those people who are insured under a insurance plan.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

And then it says -- that was Section 1, Section 2 says a standardized format for customer service information printed on such identification

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cards without limited to contact number, so forth
-- benefit coverage, would that be -- that contact
number and benefit coverage relative to the
enrollee or is that relative to the benefits?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Fasano,
based on Sustinet recommendations it could include
the insuree but also could include the benefits.
So a -- a provider would not waste their time if
like the tickler patient is not covered. If -- the
whole objective through Senator Gaffey's plan is to
make this more efficient method for the providers
and for the insured individual.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

So there's going to be this card that's going
to have the information of the program, the details
of the program written on the card, also the
information of the patient so it can match up

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whether or not they're a coexister program for that patient?

Through you, Mr. President, is that the idea of this card really, through you, Mr. President?

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Fasano, not so much the program but whether the insured has the specific benefits so the provider doesn't waste their time in providing the service, not that it may not want to, that's not covered.

SENATOR FASANO:

Okay, all right.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And what, if any, are the mechanisms to ensure that this information doesn't violate the HIPAA laws, are not readable by other detection machines. I gather it's some sort of identification card they keep like their license in their wallet and carry around with them if they have an emergency of what have you but what are the protection that this

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information is not going to get out into the vast internet world that we now live in?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Fasano, based on the present information I carry in my -- in my wallet, a card from Yale-New Haven Hospital which has my ID number and so if I have to go there for a reason that card is read. It's -- it's the same principle and the protections that are guaranteed in -- in other situations will be -- remember this is, I hate to use the term a work in progress, we're trying to get the ball started so we could come up with a final product that would be acceptable to the committee of cognizance, will be acceptable to both chambers of this General Assembly.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

And then through you, perhaps this will be the

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final question to Senator Crisco.

The information that's on your card for I think you said Yale-New Haven, would that contain the -- your medical history as well or is that just your hospital ID number and whatever other codes so that they can find out who you are?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Fasano, based on subsequent recommendation would determine that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I apologize I didn't hear his last --

SENATOR CRISCO:

Based on Sustinet --

THE CHAIR:

Senator Crisco, could you please repeat yourself?

SENATOR CRISCO:

Yes, sir.

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Based on the recommendation from Sustinet will determine that and what the committee accepts will determine that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

And I thank you, Mr. President, for your patience and I thank Senator Crisco for his answers.

I understand it is, for lack of a better term, work in progress. You want to get the ball started. I think that makes sense. Some of the concerns I do have is I think we need to be really, really careful. Technology is such that this information, once it's on a card and in your wallet, can, like credit cards, can be picked up by electronic wireless devices; that's how they're stolen. When you sweep it though, I don't know about this card for medical but I would suggest that in the area that we live in, the time we live in, we have computers missing from different committees around this -- different commissions around the state. We have information that I

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think is very personal on these cards and I -- I believe the good Senator will ensure that there is strong protection against this information from leaking out and that's going to be a major concern. I'm not against the records being able to be read on a -- on a card so that we can facilitate the process and ensure adequate treatment, but I am aware that if you go too far in that you risk disclosing this to the airwaves and that's a real concern I have, this very sensitive information and with that I understand I'll be watching it and I thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you very much, Mr. President.

If I may I have some additional questions, through you to my friend and colleague, Senator Crisco.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Yes, Mr. President.

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SENATOR CALIGIURI:

Mr. -- Mr. President, through you, Senator Crisco said in his exchange with Senator Fasano that it was his understanding -- that is Senator Crisco's understanding -- that the recommendations referred to in the strike all amendment would ultimately come back to the General Assembly for our approval. And just for the sake of the record I want to ask Senator Crisco is that stated anywhere in the amendment that is before us because, if so, I don't see?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Caligiuri, no it is not stated but I would assume that, Senator Caligiuri, knowing the legislative process that any other body cannot put into statute legislation unless we approve it.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President.

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And I thank Senator Crisco for that response. I think the concern that I have is that, you know, the only statutory authority we're enacting today is the authority for the committee, referred to in line six of the amendment, to make a recommendation. But the legislation doesn't say who that recommendation is made to and we don't know from the context of this amendment what the broader deciding authority is.

And so my follow up question, through you, Mr. President to Senator Crisco is -- is Senator Crisco aware of a specific authority within Section 19a-714 of the General Statutes which is what this amendment would be adding language to says that this recommendation would come before the General Assembly for our approval before it was acted on?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Caligiuri, according to LCO it would be the legislature.

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Senator Caligiuri.

SENATOR CALIGIURI:

And I thank you, Mr. President, and I thank Senator Crisco for that. I -- but I don't believe that's an adequate answer in this Senator's opinion because I'm looking for the legal authority outside of LCO within the law that says that it would come back to us.

And here's the what -- here's the reason why I'm making this point. Senator Crisco and I have worked together extremely well and he is always very careful to make sure that we do the right thing for consumers. But I'm very concerned the way this amendment is drafted that we may be doing this believing that we're going to have a final say over it and as it turns out, given the broader section that this falls within, we may not have that final say. And I'm very concerned that we may be abdicating, depending on how this is drafted because I haven't had a chance to look at 19a-714 and the other sections to which this relates, our authority to actually approve these recommendations.

And so unless, you know, I and I would suggest

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others in the Circle get clear comfort that there is specific legislative authority that says this is coming back to us, I'm inclined to vote against it at this point because I'm concerned that we not give to some committee the authority to make a decision that we ought to be making given how little detail there is in here right now.

I mean we don't know what these recommendations are going to look like. We don't know what the safeguards and precautions are that this unnamed committee, which we know only by reference to a broader statute, is going to be making. And if we're not careful, there is a possibility that this could be adopted administratively through the established Sustinet program and we never have a chance to take a look at it and we will have, in effect, given carte blanche permission to some committee over which we don't have direct control to make some very profoundly important decisions about the accumulation and access of private medical information.

And -- and I know that that's not what Senator Crisco my friend would intend but that's what I'm

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worried about at the moment given the way this language is drafted which is why I'm asking, through you, Mr. President, for any comfort and assurance that Senator Crisco can give us that, in fact, it won't work out that way.

Through you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Crisco.

SENATOR CRISCO:

One minute please, Mr. President.

THE CHAIR:

I mean you'd like the Senate to stand at ease, sir, for a second?

SENATOR CRISCO:

Just a second.

THE CHAIR:

Thank you.

Senator Looney.

SENATOR LOONEY:

Mr. President, thank you.

Yes, if this item might be pass temporarily at this time.

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So ordered.

SENATOR LOONEY:

Thank you.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Number 54, File Number 31, Senate
Bill 190, AN ACT CONCERNING A FOUR-HOUR ACCIDENT

PREVENTION COURSE FOR OLDER DRIVERS, favorable
report of the Committee on Insurance,
Transportation and Appropriations.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, I move for acceptance of the
Joint Committee's report and favorable action of
the bill.

THE CHAIR:

Acting on approval, sir, would you like to
remark further?

SENATOR CRISCO:

Yes, Mr. President.

Very simply: presently members of AARP could

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take an eight hour course to qualify for a discount offered by insurance companies for their automobile insurance. This reduces the -- the eight hour course to four hours by addressing just the quality of the program and eliminating a lot of redundancies and will give members of AARP a chance to qualify for automobile discount as offered by their insurance company.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 190?

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President.

I rise in support of the bill. It was something the Insurance Committee took a long look at. We had some very good testimony at the Insurance Committee indicating that this is something that was balanced in the sense that it wouldn't be depriving folks who benefit from this and from others who share the road with them of the necessary information and training that they need and so I believe that this is a good work product, it's balanced and it was a pleasure to support it

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in Insurance and it will be one for me to do it again here on the floor of the Senate.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Frantz.

SENATOR FRANTZ:

I stand in favor of this bill and the good that Senator Crisco and Senator Caligiuri and others on the committee put into it. It makes infinite sense to me to make it a much more attractive, easier to use program. Let's face it -- eight hours is a long time to sit in one room, I assume it's done during one day, and -- and review whatever the subject is, let alone driving. Driving is not the most complex task in the world and you can only spend so much time on it.

There seems to be an inverse relationship between the number of people coming to the course and the -- the number of hours in the course so reducing it to four hours is an exceptionally good idea. It will probably triple if not quadruple the amount of interest in that program.

It's a good program for two reasons. Number

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one it really does advise people or remind people of what's important in terms of being behind a wheel and driving carefully and safely wherever you are driving. In addition to that it's a little bit of a screen. If someone has a tough time with their vision and they didn't necessarily recognize that they're probably going to notice that in the four hour course that's recommended as a result of this bill.

And I can tell you it's -- it's necessary. We had in our district, in our town actually where I live, we had an incident where it was about a 42 minute car ride from one end of town to the other end of town where the person driving the car hit another car, not badly, but 37 other cars on the way across town. It took a long because -- because -- well you can imagine what it was like.

And there were three police cars apprehending -- trying to apprehend this particular person before he or she -- I won't tell you which one it was -- made it to the other end of town. And while we find that kind of humorous and there was absolutely no harm to any individual, there are a lot of bent fenders out there.

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So this is a great idea. This is how you get people into a program that, at some point in our lives, will become essential but is -- is necessary even in some of our younger years.

Thank you very much, Mr. President.

THE CHAIR:

Thank you for driving that point home..

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

So, Mr. President, I'm probably the most qualified to take the four hour. but, you know, it's true the eight hour test was too long for many seniors. The four hour test will be a lot easier and there are some seniors who desperately need to take this test so I think this is a great proposal and I strongly support it and I'm going to take it myself.

THE CHAIR:

I'm sure I'll be right behind you, ma'am.

SENATOR PRAGUE:

Okay.

THE CHAIR:

Will you remark further on Senate Bill 190?

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Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I do not have an amendment, however, I just wanted to make the comment that as I approach it, 60 seems a little bit young to be starting that but just as a comment.

Thank you, Mr. President.

THE CHAIR:

Will you remark further on Senate Bill 190?
Will you remark further?

Senator Crisco. ~~Y~~.

SENATOR CRISCO:

Thank you, Mr. President.

Since this bill qualifies for bill of the year, I ask that it be placed on the consent calendar.

THE CHAIR:

There is a motion on the floor to place the item on Consent.

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 29, Calendar Number 129, File

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Number 160, Substitute for Senate Bill 50, AN ACT
CONCERNING ORAL CHEMOTHERAPY TREATMENTS, favorable
report of the Committee on Insurance and
Appropriations.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, I move for acceptance of the
Joint Committee's favorable report and passage of
the bill.

THE CHAIR:

Acting on acceptance and approval, sir, would
you like to remark further?

SENATOR CRISCO:

Yes, Mr. President.

THE CHAIR:

Please proceed.

SENATOR CRISCO:

The Clerk has -- sorry, sir.

THE CHAIR:

That's okay, please proceed.

SENATOR CRISCO:

Mr. President, the Clerk has LCO Number 3006.

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I request that it be called and I be given
permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3006, which will be designated Senate
Amendment Schedule "A," is offered by Senator
Crisco of the 17th district.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, I move for its adoption.

THE CHAIR:

Please proceed, sir.

SENATOR CRISCO:

Mr. President, this amendment is strictly
technical and addresses the necessary redrafting
of -- of the legislation.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?" Will
you remark further on Senate "A?"

If not, I will try your minds. All those in
favor, please signify by saying, aye.

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SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. The motion is adopted.

Senator Crisco.

SENATOR CRISCO:

Mr. President, thank you.

Mr. President, just a brief summary. This bill demonstrates the technology changes that is occurring in the medical care. Prior to oral chemotherapy, individuals had to sit for hours through an IV treatment for their chemotherapy. We had an individual testify that because of this invasion of the body, this person developed an infection that affected the heart and where heart required surgery.

Since that time the pharmaceuticals have come up with an oral chemotherapy method where an individual, if they can tolerate the medication, instead of going in for IV chemotherapy, could take their medication at home, could work at home, could possibly even go to work with the oral chemotherapy and -- if their system could tolerate the system.

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It shows a great change in technology and basically what this bill is asking for is just parity between the IV treatment and the oral chemotherapy treatment. It has been found that some insurance companies, not all, were increasing the deductibles and co-pays for oral chemotherapy which really the -- the technique results in less cost than more cost.

THE CHAIR:

Thank you, sir.

Will you remark on the bill as amended?

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President.

If I may I have a -- a few questions through you to Senator Crisco.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Yes, Mr. President.

SENATOR CALIGIURI:

Thank you, Mr. President.

Just for the sake of the record and -- and Senator Crisco alluded to this but I think it's

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very important that we make this as clear as possible and -- and the following is my understanding and I want to see if it comports with Senator Crisco's understanding.

The legislation and the intention of the Insurance Committee when we drafted this legislation was not to create a new benefit or an additional benefit but rather to ensure that health insurers treat orally available chemotherapy the same as they do intravenous-based chemotherapy in cases where patients are prescribed oral chemotherapy for them as being better for them than IV. And that what we're really trying to do, in this language, is to make sure that the two forms of chemotherapy are treated equally and not to add a benefit per se.

Is that a correct understanding, through you, Mr. President, to Senator Crisco?

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Caligiuri, absolutely correct.

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Senator Caligiuri.

SENATOR CALIGIURI:

I thank you, Mr. President.

I thank Senator Crisco for that response and if I may by way of commenting on the bill as amended, that is my understanding as well which is reason why, despite the fact that I opposed every bill this year in committee that I can recall that I thought amounted to an additional mandate or a new mandate, I supported this bill in committee because I viewed this legislation as being designed to create parity between two types of chemotherapy and not as adding a new level of coverage or an additional level of coverage that is not otherwise being provided for today.

And from that point of view I felt very comfortable supporting the legislation and the Insurance Committee feel support -- comfortable supporting it today because I really believe, from my point of view, that this is about creating parity and equal treatment between these two forms of chemotherapy given the evolving technology and medical advancements that we've made and the fact that some people simply need or react better to the

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oral chemotherapy than they do through the IV
that -- that I believe this bill is worthy of our
support today.

And so with that, Mr. President, I thank
Senator Crisco and I thank you for the opportunity
to speak on the bill.

THE CHAIR:

Thank you, Senator Caligiuri.

Will you remark further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise to express my
appreciation for the dialogue that just took place
that probably answered one of the two questions
that I had concerning this bill, as you well know,
that many of us are concerned for the number of new
mandates being placed on insurance policies that
cause some of our insurance carriers to raise rates
on our smaller and larger employers here in the
state of Connecticut.

The -- the -- I still have the question of why
we actually need this bill if, in fact, it's
recognized that they do have parity in this motive

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of medicine but also to the fact that oftentimes it's much less expensive.

Added to that, I guess my further question would be has there been a significant problem for us to raise this bill and, secondarily, if in fact someone has not -- been denied the oral chemotherapy, were they aware that we really passed ground breaking legislation that provided for an outside appeals process for any insurance denial on health care to go through our state insurance department, where they would actually mediate a decision and oftentimes has overturned a number of complaints and grievances that have come forward.

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Boucher, the intention of the bill, in addition to parity, is to give a better quality of life for those who unfortunately have cancer. The reason that the Insurance Committee addressed the bill is because it was brought to our attention that there was not parity in -- within some insurance companies and

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those people, who would prefer oral treatment and who could tolerate it, were not given equal treatment in regards to cost and that is why the Insurance Committee almost unanimously supported this legislation.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Through you, Mr. President, then am I to understand that if a patient decides they would prefer oral chemotherapy versus intravenous, that they would then proceed in that direction whether it was the decision being rendered by either the doctor or the insurance company?

For some clarification, through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Boucher, it is not one's choice, it is what is prescribed by their attending physician.

THE CHAIR:

Senator Boucher.

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SENATOR BOUCHER:

Thank you, Mr. President.

Thank you for the clarification. It's -- it's unfortunate we need to actually put this in statute because it just seems like common sense and like our good Senator Caligiuri, I likewise will take this rare moment to not oppose this particular legislation and vote in favor of it.

Thank you very much.

THE CHAIR:

Thank you.

Will you remark on Senate Bill 50 as amended by Senate "A?"

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I rise in support of this bill. Mr. President, a very close friend whose wife was undergoing chemotherapy and she had the chemo with -- with respect to the IV. She developed several complications as a result of that and the only way she could get some help was by virtue of taking the oral chemotherapy pill.

She ended up taking it for a period of six

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months. Absent that -- it was a very aggressive, I should say is a very aggressive stomach cancer. Absent that, the prognosis was not good at all. His particular insurance carrier did not pick up the pill but did the chemotherapy but not the -- the actual chemo pill.

As a result, he was out-of-pocket for this expense and it is expensive for a period of the five to six months. We tried to determine if we could work out the difference in costs and that was -- answer was no and then we tried appealing and that's where he is now, sort of after the fact, and she will be going another round of this I think at the end of summer.

But the point of it is, Mr. President, absent this oral pill, I don't know if she would be with us today. This woman is in her mid-50s, was diagnosed about a year ago so it was very aggressive very fast moving.

So, Mr. President, when you have something like that I'm not exactly sure what the impediments are to this bill or if I understand Senator Boucher, and I don't believe it should cost more because it is a substitute, but I think it is an

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important issue because the chemotherapy is what saves lives. My wife went through chemotherapy and everything worked out great. But for those who can't have that because of the reaction, then you need this pill and that will solve the problem.

So with that, Mr. President, I support this bill. Thank you.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, I appreciate the comments of --
a of my colleagues and on behalf of making life a
better for those who are suffering from cancer I
ask this be placed on the consent calendar.

THE CHAIR:

Is there any further discussion on Senate Bill
50 as amended by Senate "A?"

Seeing none, there is a motion on the floor to
place this item on the consent calendar.

Without objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 32, File Number 191 -- File
Number 261, Substitute for Senate Bill 407, AN ACT

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REQUIRING MOTORCYCLE TRAINING PRIOR TO THE ISSUANCE
OF A MOTORCYCLE ENDORSEMENT, favorable report of
the Committee on Transportation and Appropriations.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, I move acceptance of the Joint
Committee's favorable report and passage of the
bill.

THE CHAIR:

Acting on acceptance and approval of the bill,
sir, would you like to remark further?

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, the Clerk is in possession of
an amendment, LCO 3956. I ask that the amendment
be called and I be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3956, which will be designated Senate
Amendment Schedule "A," is offered by Senator
DeFronzo of the 6th district.

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THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, I move adoption of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR DeFRONZO:

Mr. President, this amendment addresses a fiscal note in the underlying bill and makes implementation of the motorcycle training class called for in the bill contingent on federal funding and I would ask the members of the Senate to approve the amendment.

THE CHAIR:

Thank you, sir.

There's a -- would you remark further on Senate "A?"

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

A question through you to the proponent of the amendment.

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Senator DeFronzo.

SENATOR KISSEL:

When you say contingent on federal funding, is this program anticipated to go forward on more than a single basis? In other words, will this be an annualized program? And when you talk about federal funding, does this mean that there has to be a federal funding stream that will take place more than for one year?

And I guess what I'm concerned with is that, you know, the American Recovery and Reinvestment Act that was a one shot for shovel ready projects. They're out; they're moving forward but when that money is gone that's gone but there's nothing going forward.

We've also seen initiatives for more police officers in -- in cities and towns. The federal gave -- government gave some seed money to hire those police officers but after a certain number of years that money dried up and municipalities were -- were left to either let those police officers go or pick up the slack. And so I'm just wondering what exactly this amendment anticipates.

Through you, Mr. President.

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THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, this amendment anticipates a federal grant. I've already been informally notified by the Department of Transportation that it's quite likely the state will be getting this grant. I -- I believe it's a -- a repetitive grant but to address the Senator's concerns in the longer term, the current fee for this program is about \$200 and I think the -- the alternative to the federal -- the federal funding in the long term would be to sustain the program through -- through those fees.

Currently, 6,000 Connecticut residents take this course and it's quite likely, obviously when we extent it to -- to those beyond the age of 18, that far more will be -- will be taking this class so that we'll probably be able to generate additional revenue in that way.

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much.

While I appreciate the response that we anticipate that this grant will be recurring, it doesn't sound like a guarantee. I do have overall concerns about creating programs based upon federal funding streams because I believe the federal government, at this time, is overextended.

I had a town hall meeting with a lot of great folks in Suffield, just last night, where the concern was raised that the federal deficit has gone up more in the last year than it was in the previous eight years. That we are beholden to countries like China as our banker and to prove how beholden we are it was just a few years ago that if the Dalai Lama came to Washington everybody wanted to be photographed with the Dalai Lama.

Well guess what Dalai Lama came to Washington and nobody wanted to be photographed with the Dalai Lama. Well, why is that when there's a Democratic Senate and a Democratic House and a Democratic President. I think it's because China does not favor the Dalai Lama and the independence that goes along with that individual. So if you're looking for signals that our nation is going too far down

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the path of relying on federal funds, I think we're going too far down the path of relying on federal funds.

That being the case, I won't oppose the amendment at this time. I think that it -- it has a laudable goal for the people of the state of Connecticut but I just would like it to be known that I am concerned about our state becoming over-reliant on federal funding streams that I believe are unsustainable.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?"

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise to support this very good bill that simply extends the requirements for training for those not just under 18 but those over 18 as well. I think it is a safety issue and it -- I do -- further would like to clarify that it is for new applicants for motorcycle licenses and not for those currently holding motorcycle licenses as

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well.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Boucher.

We are working on Senate Amendment "A" for --
for those on the floor.

Will you remark further on Senate "A?" Will
you remark further?

If not, let me try your minds. All those in
favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. "A" is adopted.

Will you remark further on Senate Bill 407 as
amended by "A?"

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

I didn't realize this was going to trigger an
international incident here but -- but it is
intended to be a fairly specific bill. Currently,
in Connecticut, Mr. President, individuals under 18

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years of age are required to have a training program before they can get their permit --

THE CHAIR:

Can we hold the chatter down a little bit?
I'm having a tough time hearing Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President, thank you.

Before they can get their endorsement, this -- this bill will extent that requirement to those over 18 years of age and Connecticut will then join four or five other states in the country that have this requirement. The -- the state of Connecticut has had a -- historically had a fairly lax program in terms of motorcycle training. Ninety-one percent of those individuals who are killed in motorcycle accidents have not had any prior training before being out on the road.

Using motorcycles is a very dangerous driving pastime and this bill is intended to try and change that. The -- the bill does not apply to individuals who have had a -- an endorsement in the last two years and it doesn't apply to individuals who are coming into state and have an endorsement from -- from an out-of-state entity. And the bill

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will eliminate the requirement for the DMV to test after -- if an individual completes his training course. The current requirement for a DMV test, road test, will be eliminated making the completion of the course tantamount to completion of the -- of the DMV requirement.

So, Mr. President, I think this is a good bill. It was inspired by a -- a tragedy in East Hartford and I would like to yield to Senator LeBeau for a few comments concerning his constituent and the need for this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator LeBeau, do you accept the yield?

SENATOR LeBEAU:

Yes I do, Mr. President.

THE CHAIR:

Please proceed, sir.

SENATOR LeBEAU:

And I'd like to first of all thank Senator DeFronzo for bringing forward this bill. Also thank Tim Larson -- Representative Tim Larson from the House for initiating the actions on this bill.

We had a very tragic incident a couple of years ago in East Hartford. A young man by the name of Nick Cohen, basically getting up to go to work, hopped on his bike and just like that died. And his mother believed, and I think rightly so, Mrs. Pelletier that -- Stephanie Pelletier, that if Nick had had better instruction in the use of the motorcycle that he would still be alive today.

Now, one, obviously, cannot say that for sure but we do know that the statistics regarding motorcycle accidents are pretty -- pretty glum. Of the accidents that -- that -- first of all, in motorcycle accidents, a study done by DMV showed that 75 percent of the accidents were actually caused by the motorcycle riders and that's contrary to what most motorcycle riders think.

In that -- of the -- of the deaths in the state, of the 63 deaths in the state in the last year, 91 percent of those were self-taught. So if we had this -- if we had this bill in -- in effect, we probably would have saved some lives. I mean that -- that is a -- a fairly solid statement to say that, that lives would have been saved.

And so this is an important bill. We don't do

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a thing -- we don't do things like calling things after people like -- for me this is Nick's bill. Nick -- and I just want to say I knew Nick, as a student at East Hartford High School, and they say only the good die young and this -- this was one of the great young men of East Hartford. He was on his way to college. He was a brilliant young man. He was an athlete; well-loved by everybody at the school and it was a real loss and -- real loss to everybody and particularly to his -- his mom and his stepfather.

So, again, I thank Senator DeFronzo for bringing this forward and -- and I wish -- I hope everybody in the circle will join me in supporting this bill.

Thank you very much.

THE CHAIR:

Thank you, sir.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

First, let me give all of my condolences to the tragedy in East Hartford and commend Senator LeBeau for working so hard to -- to try to make

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sure that doesn't happen again.

If I could, through you, Mr. President, perhaps a couple of questions -- no more than a couple of questions -- brief questions to the proponent of the bill.

THE CHAIR:

Senator DeFronzo.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator DeFronzo, am I to understand that if someone is currently licensed to operate a motorcycle in the State of Connecticut that they would not have to go back and take the novice motorcycle training course?

Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Senator McKinney, you are correct.

SENATOR MCKINNEY:

Thank you and my second question and, hopefully my last, is if someone were licensed to operate a motorcycle in another state, be it

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Massachusetts next door, and were to move to Connecticut and get a Connecticut license, would they be given a motorcycle license or would they have to retake this novice course?

Through you, Mr. President.

THE CHAIR:

Senator DeFrönzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

If they currently have an endorsement in another state, it would be -- they would not be required to take this course. If the endorsement had been extinguished for a period of more than two years, then they would be required to take the course when they came to Connecticut.

Through you, Mr. President.

THE CHAIR:

Senator McKinnney.

SENATOR McKINNEY:

Thank you, sir.

Then it's my understanding that the only people who would be required to take this course are those under 18, anyone seeking to get a motorcycle license for the first time or someone

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seeking to get a motorcycle license whose license
had lapsed for more two years.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

That is the correct summation, through you,
Mr. President.

SENATOR McKINNEY:

Thank you and I just -- I -- I did think
that's what I heard through the good Senator in
discussion with a ranking member but I was
originally opposed to the idea because I thought we
were going to make people who had motorcycle
licenses for years come back and take this course
which would have been unfair.

I appreciate the clarification and will now
support the bill.

THE CHAIR:

Or actually the Dalai Lama, those are the
other requirements.

SENATOR McKINNEY:

I don't -- I'm not familiar with him, Mr.
President.

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Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, anytime we bring up the subject of motorcycles, we're driving down a very dangerous road because it certainly opens the question about road safety, motorcycle helmets. I know many of us for years have been lobbied about whether to require helmets or not but certainly training, whether it's 16 year olds and -- or 17 year olds and further training for drivers licenses, motorcycle training I think is -- is a win/win.

But I would also like to recognize our good Senator Kissel's cautionary remarks regarding tying anything to federal funding right now. As many of you have probably already received some emails talking about the possibility of losing federal funds for ECS support, educational funding, that could really throw our budget into turmoil going forward. And so there is a very strong and good point to be made in tying any of our programs to federal funding right now could be a risky endeavor for sure.

Thank you, Mr. President.

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THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate Bill 407 as amended by Senate "A?"

Senator DeFronzo.

SENATOR DeFRONZO:

Mr. President, if there's no further
discussion, I would ask that this be placed on the
consent calendar.

THE CHAIR:

There is a motion on the floor to place this
item on the consent calendar.

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, would ask the Clerk to call the consent calendar at this time.

THE CHAIR:

Mr. Clerk, please call the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the
Senate on the consent calendar. Will all Senators
please return to the Chamber. Immediate roll call

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has been ordered in the Senate on the consent calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed Consent Calendar Number 1 begin on calendar page 1, Calendar 435, House Joint Resolution Number 102; calendar page 2, Calendar 436, House Joint Resolution Number 103; Calendar 437, House Joint Resolution Number 104; Calendar 438, House Joint Resolution Number 105; calendar page 3, Calendar Number 53, Substitute for Senate Bill 141; Calendar 61, Senate Bill 131; Calendar Number 69, Senate Bill 62; calendar page 5, Calendar 139, Substitute for Senate Bill 173; Calendar 151, Substitute for Senate Bill 149; calendar page 8, Calendar 221, Senate Bill 156; calendar page 11, Calendar 332, Substitute for Senate Bill 153, calendar page 12, Calendar 339, Senate Bill 443; calendar page 26, Calendar Number 54, Senate Bill 190; calendar page 29, Calendar 129, Substitute for Senate Bill 50 and calendar page 32, Calendar Number 191, Substitute for Senate Bill 407.

Mr. President, that completes those items placed on the first consent calendar.

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THE CHAIR:

Thank you, sir.

Please call the consent. The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the consent calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of consent calendar
Number 1.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent calendar passes.

Senator Looney.

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SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I believe the Clerk is in possession of Senate Agenda Number 2.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda Number 2 dated Tuesday, April 27, 2010. Copies have been distributed.

THE CHAIR:

.. Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I move all items on Senate Agenda Number 2 dated Tuesday, April 27, 2010 to be acted upon as indicated and that the agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

There is a motion on acceptance of Senate Agenda Number 2.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

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Yes, thank you, Mr. President.

Mr. President I would move for suspension for immediately transmittal to the House of Representatives of items acted on today in the Senate that require additional action by that Chamber.

THE CHAIR:

Motion on the floor for suspension of rules for transmittal.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would also move that all bills referred from the floor of the Senate today to various committees be immediately transmitted to those committees and not held.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, for purposes of a journal notation.

THE CHAIR:

Please proceed, sir.

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SENATOR LOONEY:

Yes, thank you, Mr. President.

Senator Slossberg was absent today and missed votes due to a -- the death of her father.

THE CHAIR:

So it will noted sir, thank you.

At this time I guess we'll entertain points of personal privileges or announcements.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, sir.

The City of Danbury lost one of the greatest citizens we have, Reverend Ruben Bush, a faith leader of our community passed after many years of serving the greater Danbury area. Reverend Bush is a person who touched many, many lives in -- in our community and so I would ask the Circle to join me in just a moment of silence in memory of Reverend Ruben Bush, Sr.

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THE CHAIR:

If everyone could please rise.

Thank you, sir.

Are there other points of personal privileges
or announcements?

Seeing none, Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, it is our intention to be in
session tomorrow beginning at noon and advise
members to hold every day the rest of the week
available for potential session including --
including Saturday just in terms of -- of planning
and, Mr. President, with that would move that the
Senate stand adjourned subject to the call of the
Chair.

THE CHAIR:

The Senate will stand adjourned subject to the
call of the Chair.

On motion of Senator Looney of the 11th,
the Senate at 5:39 p.m. adjourned subject to
the call of the Chair.

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THE CONNECTICUT GENERAL ASSEMBLY

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The Senate was called to order at 12:54 p.m.,
Senator Gaffey of the 13th in the Chair.

THE CHAIR:

The Senate will come to order. Everyone
please rise. Give your attention to Fr. Nock.

CHAPLAIN REV. JAMES NOCK:

Let us pray, Almighty Father, we ask your
blessing on our circle as we come together this
afternoon with just one week left in this session.
We have some important legislation to pass to
achieve the stability and well-being of our state.
Let us then vow to work together to accomplish our
goals, to do it on time by doing justice to these
powerful words of President Lincoln, when he said,
"with malice towards none, with charity for all,
with firmness in the right, as God gives it to us,
let us strive on together to finish the work we
have begun," and we ask of You this, who lives and
reign, forever and ever. Amen.

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THE CHAIR:

Thank you, Father.

Senator Fonfara, would you please lead us in the Pledge of Allegiance.

SENATOR FONFARA:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

Are there any points -- points of personal privilege?

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President. I appreciate it.

I have the privilege and high honor to introduce some champions here from Tolland High School. We have the 2009 State Class M Champions in Boys Soccer and also the Boys Cross Country Team. Both of these teams, ladies and gentlemen of the circle, are undefeated. The Cross Country Team, two years, have been undefeated. They haven't tasted defeat in two years better than most of us can say here in the chamber. And --

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oh, there's the phone -- the -- I just want to introduce them.

They're a good group of kids. They're well coached. And we're proud to have them up here. They -- they have conducted themselves both on and off the field in exemplary fashion. And we want to give them our normal rousing State Senate welcome.

THE CHAIR:

Congratulations on having a great season.

Are there further points of personal privilege?

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Nice to see you up there today.

THE CHAIR:

You, too, also, sir.

SENATOR MCLACHLAN:

Mr. President, I rise for a point of personal privilege.

THE CHAIR:

Please proceed.

SENATOR MCLACHLAN:

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Thank you, Mr. President.

I'm very pleased and honored to introduce to the fine circle a constituent of mine who has been honored in her hometown of New Fairfield.

Amy Neth was at a family picnic in the backyard --

Amy, if you could come forward, I'd appreciate it.

Amy Neth is 13 years old or almost 14. And Amy was honored by the American Red Cross for her lifesaving skill of her little cousin in the swimming pool. They were enjoying a family picnic, and her little cousin was jumping in the pool in the shallow area and Amy was catching her. And then the little one decided that she wanted to do the same thing in the deep end and jumped in the pool sort of on top of Amy. So Amy had to stay under water and hold the little one up above the water and really there saved her life. So Amy Neth was honored by the American Red Cross last month in Danbury. And I bring Amy before this senate circle so that we can all acknowledge her lifesaving heroism and her fine citizenship and what a sharp young lady she really is. So join me

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please in congratulating Amy Neth for her award.

THE CHAIR:

Congratulations, Amy.

Are there further points of personal
privilege?

Senator LeBeau.

SENATOR LEBEAU:

Good afternoon, Mr. President, for a point of
personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR LEBEAU:

Thank you very much.

I'd like to introduce to the chamber my
intern. His name is Alex Motoc.

And, Alex, would you please come forward. And
I'll be presenting him with a citation later,
but -- and I know tomorrow is the day that we're
going to be recognizing interns, but when I tell
you Alex's story you'll understand why I'm doing
this today.

Alex has an interesting life story. Came here
from Romania at the age of ten under -- at that
point, under Nicolae Ceausescu, the dictator of

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Romania. At the age of 15, became an American citizen. Went to -- successfully, went through schools in Connecticut. Went to Eastern Connecticut State University, became a teacher and taught at East Hartford High School where -- where I met him. He was right down the hall, around the corner. And that was my -- my pleasure to meet Alex. And then Alex wanted to get involved and know a little bit more about public policy, and he left teaching a couple of years ago to pursue a law degree at the University of Connecticut. And Alex is now -- except for getting a passing grade on his internship, short of his law degree. Then, of course, he'll have to take the bar.

But the reason I'm introducing Alex today, in addition to that successful story and his wonderful work that he's done for me as an intern and on a variety of issues just all, you know, working on virtually everything. You can see, somebody with this level of maturity and this level of confidence, I've had him work on a variety of issues -- is that Alex is also a member of the U.S. Armed Forces. And tomorrow -- or actually on Friday, he's being deployed to Germany

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for a TDY, temporary duty -- and we hope it's temporary -- and possibly going to Afghanistan as part of that.

So I'd like to chamber to give Alex a warm welcome and I want to thank Alex publicly for the work that he's done for my office and everything he's doing for the Connecticut General Assembly and for the United States of America.

Thank you, Alex.

THE CHAIR:

Congratulations, Alex, and thank you for your service.

Are there further points of personal privilege?

Senator DeBicella.

SENATOR DEBICELLA:

Thank you, Mr. President, for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR DEBICELLA:

Mr. President, I think the circle knows what a special place the Bridgeport Police Department holds in my heart, having a father who served for

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20 years on it. Well, today, I'm proud to say we have one of Bridgeport's finest up here visiting with us. Milton Johnson is not only a member of the Bridgeport police force. He's a member of Connecticut's CHRO, and a man who's truly dedicated, not just to his family but to his community.

And so I'd ask the circle to please join me in giving Milton Johnson a very warm welcome to the Senate.

Milton, welcome.

THE CHAIR:

Welcome, Milton, thank you for your service.

Senator Hartley.

SENATOR HARTLEY:

Good afternoon, Mr. President.

THE CHAIR:

Good afternoon.

SENATOR HARTLEY:

I rise for a point of personal privilege, sir.

THE CHAIR:

Please proceed, ma'am.

SENATOR HARTLEY:

Thank you.

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It is my pleasure, ladies and gentlemen and members of the circle, to introduce a very, very special group who have journeyed to the Capitol today to treat us to a little musical retreat in their harmonizing of a choir which has recently been resurrected.

These colleagues are members of the Children's Community School, which is a very, very special school in Waterbury. It's a rather small school. It's enrollment is kept very low, about 130 kids annually, and they are individually picked to join this special school community. It is a community that gives a lot of support and nurturing to our inner city youths and has a very, very strong parental involvement piece of its curriculum as a regular and ongoing basis. And the members of the Children's Community Choir today are under the direction of Diane Jones, and the choir also has been resurrected by Mr. Brett. And they are going to sing for us now their 2010 theme song, which is "Together We Can Change the World."

Thank you so much.

THE CHAIR:

Senator Hartley.

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SENATOR HARTLEY:

Thank you, Mr. President.

Ms. Ross and all of the members of the Children's Community Choir, we are so proud of you and what a wonderful performance and what a great way for us to start our work today on your great notes of harmony. And I have to say, kids, I think I saw a few American Idols in that group, but I know you're idols first with your books' and then with your song. Thank you for being with us.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Hartley.

Children's Community School from Waterbury, they're terrific.

Any further points of personal privilege before we proceed to the Majority Leader?

Mr. Majority Leader.

SENATOR LOONEY:

Thank you, thank you, Mr. President.

Mr. President, I wanted to thank Senator Hartley for bring that wonderful and inspiring group here today and, as we know, that's likely to be the high point of the day and that's apt to be

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downhill from there.

THE CHAIR:

We concur, Majority Leader.

SENATOR LOONEY:

Mr. President, first of all, the Clerk is in possession of two agendas for today's session I believe.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agendas Numbered 1 and 2 for Wednesday, April 28, 2010. Copies have been distributed.

THE CHAIR:

Mr. Majority Leader.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I move all items on Senate Agendas Number 1 and 2, dated Wednesday, April 28, 2010, to be acted upon as indicated and that the agendas be incorporated by reference into the Senate journal and the Senate transcript.

THE CHAIR:

Seeing no objection, so order.

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Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, at this point, we'll proceed to marking certain calendar items. We will be not marking every item on the calendar at this point, but marking a list of -- of go items.

First, Mr. President, I would ask for suspension to take up the two judicial nominations appearing on page 1 of the calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Then I would mark under Judicial Nominations on calendar page 1, Calendar 485, Senate Joint Resolution Number 45, it's marked go; and Calendar 486, Senate Joint Resolution Number 46, also marked go.

And, Mr. President, moving to calendar -- calendar page 8, Calendar 299, House Bill 5251 is marked go.

On calendar page 9, Calendar 372, House Bill Number 5252 is marked go.

Moving, Mr. President, to calendar page 10,

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Calendar 383, Substitute for House Bill Number 5249 is marked go.

On calendar page 11, Calendar 402, Substitute for Senate Bill Number 447 is marked go.

Moving, Mr. President, to calendar page 13, Calendar 439, House Bill Number 5377 is marked go.

Moving to calendar page 15, Mr. President, Calendar 452, Substitute for House Bill Number 5376 is marked go; and Calendar 453, House Bill Number 5281, marked go.

Moving, Mr. President, to calendar page 16, Calendar 455, House Bill Number 5542, marked go; Calendar 456, Substitute for House Bill 5247, marked go; Calendar 457, Substitute for House Bill Number 5406, marked go.

Moving, Mr. President, to calendar page 17, Calendar 464, House Bill Number 5530 is marked go.

On calendar page 18, Mr. President, Calendar 470, Substitute for House Bill Number 5408 is marked go.

On calendar page 19, Calendar 472, Substitute for House Bill Number 5539 is marked go.

Moving, Mr. President, to calendar page 23, under Matters Returned from Committee, on calendar

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page 23, Calendar 75, Substitute for Senate Bill Number 229 is marked go.

On calendar page 24, Mr. President, Calendar 98, Substitute for Senate Bill Number 312 is marked go.

On calendar page 25, Mr. President, Calendar 113, Substitute for Senate Bill Number 168 is marked go.

Moving, Mr. President, to calendar page 37 -- calendar page 37, Calendar 347, Substitute for Senate Bill Number 225 is marked go; also calendar page 37, Calendar 397, Senate Bill Number 196 is marked go.

On calendar page 38, Mr. President, Calendar 400, Senate Bill Number 367, Mr. President, would move to place that item on the foot of the calendar.

THE CHAIR:

Seeing no objection, so order.

SENATOR LOONEY:

Thank you, Mr. President.

And also calendar page 38, Calendar 401, Substitute for Senate Bill Number 399 is marked go.

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That concludes our markings at this time, Mr. President.

THE CHAIR:

Thank you, Senator Looney.

Mr. Clerk.

THE CLERK:

Calling for Senate calendar for Wednesday, April 28, 2010, calendar page 1, Judicial Nominations, Calendar Number 485, Senate Joint Resolution Number 45, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE STEWART D. BEAR OF WEST HARTFORD TO BE A JUDGE OF THE APPELLATE COURT AND A JUDGE OF THE SUPERIOR COURT, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint committee's favorable report and adoption of the resolution.

THE CHAIR:

Question's on acceptance and adoption. Please proceed, sir.

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SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President and members of the circle, Judge Bear is a judge of the Superior Court who presides in Middletown, Connecticut, at the moment. He was first appointed to the bench in 2003 and is a proud graduate of both Harvard College and Harvard Law School. Prior to ascending to the bench in 2003, Mr. Bear served for approximately 30 years as an attorney in private practice at a very reputable firm by the name of Zeldes, Needle and Cooper in Bridgeport, Connecticut, and prior to that had served as a attorney at New Haven Legal Assistance.

Mr. President, Judge Bear has distinguished himself in many ways on his relatively short tenure on the bench, and it is a true testament to him and to the quality of his skills and his temperament that judge -- that Governor Rell has nominated Judge Bear to be a judge of the Appellate Court. We, on the Judiciary Committee, believed unanimously that he would bring to the Appellate Court all of the skills and -- and expertise that he has honed over his extensive

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legal career to advance the cause of justice in the state of Connecticut. And I'm proud to recommend him to the circle for a position on the Appellate Court.

THE CHAIR:

Thank you, Senator McDonald.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

It's great seeing you up there this afternoon.

THE CHAIR:

Good to see you, too, sir.

SENATOR KISSEL:

I rise in strong support of the nomination of Judge Stewart Bear to the Appellate Court and wish to associate myself with the remarks of my friend and colleague, Senator McDonald.

In the colloquy that I exchanged with Judge Bear, some interesting points came out when asked what his greatest challenge would be in moving to the Appellate Court. He indicated that working in a collegial style in drafting decisions and working with other folks who are in a similar situation in hearing cases, would be a bit of a

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challenge or if not a challenge something new as opposed to sitting in his chambers and drafting his decisions on his own.

He did indicate that given the financial situation in the state of Connecticut and within the Judicial Branch, he would basically be taking all his own notes, doing all his own research, typing up his own decisions, and he's done that on dozens and dozens of occasions. I think a lot of times people in the state of Connecticut feel that each judge in the Superior Court has their own clerk, has their own staff, that they don't bother with writing their own decisions or doing their own research which is anything but the case.

The other thing that I think is noteworthy that was mentioned by Senator McDonald regarding Judge Bear is that after doing extraordinarily good work as a scholar studying at Harvard College and then Harvard Law School, rather than going right into the private sector to try to make a lot of money, which is not unusual coming out of a highly regarded Ivy League colleges and law schools, he went and worked for five whole years in New Haven Legal Aid helping those in need,

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helping the impoverished, the poor, seek justice in the state of Connecticut and then only at that time did he decide to follow a career in private practice. And when he did work for the firm down in New Haven, he was with that law firm for a significant amount of time. He wasn't jumping around from law firm to law firm.

It's my understanding that he's a good family man. He has three stepchildren. And he's looking very much forward to serving on our Appellate Court. I believe that the people of the state of Connecticut will be well served by his continuing public service through the Judicial Branch, and, again, I want to strongly support his nomination to the Appellate Court. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Would you remark further?

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, if there's no objection, might this item be placed on the consent calendar?

THE CHAIR:

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Seeing no objection, so order.

THE CLERK:

Calendar Number 486, Senate Joint Resolution
Number 46, RESOLUTION CONFIRMING THE NOMINATION OF
THE HONORABLE DENNIS G. EVELEIGH OF HAMDEN TO BE
AN ASSOCIATE JUDGE OF THE SUPREME COURT AND A
JUDGE IN THE SUPERIOR COURT, favorable report of
the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint
committee's favorable report and adoption of the
resolution.

THE CHAIR:

Question's on acceptance and adoption. Will
you remark, sir?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President and members of the circle, we've
had an opportunity this year to reappoint several
judges, as you know. And all of them are in
extraordinarily valuable to the administration of

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justice in the state, but when we nominate somebody to be an associate justice of the Supreme Court as a new nominee, it is an important event, indeed.

It's my pleasure then to bring before the circle the nomination of Judge Dennis Eveleigh to be the newest member of the Supreme Court in the state of Connecticut. Judge Eveleigh has the distinction, in my estimation, of having been born in the city of Stamford, and we are so sorry that he no longer resides there but resides in Hamden, Connecticut. Although we still lay claim to his mother's residence, and she was -- is a very proud parent of a very accomplished jurist.

Mr. President, Judge Eveleigh was first appointed to the Superior Court in 1998, and he current presides in the Complex Litigation Docket of the Superior Court in Waterbury. Judge Eveleigh is a graduate of Wittenberg University, and he received his law degree from the University of Connecticut School of Law. He did, in fact, have a extensive career in the private sector before becoming a judge. And anybody who has practiced before him will be able to tell you that

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he is a very thorough, very decisive, very smart individual, who runs a tight courtroom and an efficient docket.

Mr. President, it's not lost on me that Judge Eveleigh has been presiding since about 2005 in the Complex Litigation Docket and has certainly tackled some of the most difficult cases in the state of Connecticut in recent years. In fact, one of his most recent and high profile cases was a very controversial case involving the CRRA and a dispute with several municipalities. It was a very, very complex case, but, by all accounts, Judge Eveleigh handled that case as he does with all of his case -- cases and that was with a lot of discipline but also a lot of patience to allow lawyers to present cases as they deem it appropriate and then he does his job as he deems it appropriate.

I can also say that from personal experience because I had the somewhat unfortunate experience of being a litigant in front of Judge Eveleigh when the Judiciary Committee's authority with respect to the issuance of a subpoena was challenged and he had the responsibility of

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hearing that case. And it was certainly a high profile case, but I've got to tell the members of the circle, from personal experience, I thought Judge Eveleigh dispatched his responsibilities in that proceeding in a very professional manner. It wasn't necessarily the outcome I wanted to see in the trial court but that's sort of irrelevant. Judge Eveleigh was certainly guided by his understanding of the law, and he did his job then as he has always done in a very appropriate and very scholarly way.

..So, Mr. President, I am thrilled to present to the circle the nomination of Judge Eveleigh to be an associate justice of the Supreme Court, and I would encourage all members of the circle to act favorably upon this nomination and -- and I certainly know that he will bring many of the same skills that he has shown on the Superior Court bench to the Supreme Court across the street. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator McDonald.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. I'd like to associate myself with the remarks of Senator McDonald, and I also stand here in strong support of Dennis Eveleigh being elevated to the State of Connecticut Supreme Court.

As Senator McDonald indicated, Judge Eveleigh grew up in Stamford and during the colloquy between Senator McDonald and Judge Eveleigh there seems to be some disagreement as to where it was best to graduate from, Rippowam or Stamford High School. Not being from that neck of the woods, I'm not sure if there's any kind of genteel rivalry between those schools, probably similar to Enfield High School and Fermi or something like that but apparently Judge Eveleigh graduated from Rippowam and my guess is that perhaps Senator McDonald graduated from Stamford High School.

In any event, that being stated, certainly, he has a wonderful reputation both as a practitioner of law prior to being elevated to the bench here in the state of Connecticut but, also as Senator McDonald indicated, handling matters in the Complex Litigation Docket. And I would hope that as we look at judges being elevated to the

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Appellate Court and the Supreme Court that working as a judge in the Complex Litigation Docket wouldn't be a necessity but certainly it doesn't hurt, and I believe that there are certainly those judges out there that seek out that assignment so that they can pursue those complex matters and try to resolve them. And those are cases that have multiple litigants. And as Senator McDonald indicated in questioning Judge Eveleigh, he did indicate that he found it quite interesting and professionally rewarding to exam that CRRRA case and come out with a decision that he felt was fair and balanced for the people of the state of Connecticut.

Upon further examination that I -- in discussions that I had during the public hearing and confirmation process, I was pleased to note that Judge Eveleigh takes the position that he would exercise judicial restraint when looking at our laws, our statutes, legislative history and our State Constitution when cases are brought before him. That is typically a much more difficult question when nominees come before the United States Supreme Court and those matters can

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really come down to how the court comes down on any particular issue one way or the other. Typically in Connecticut, we don't have that many extraordinarily controversial decisions, but we do have some. We do have some.

It was interesting to point out -- or Judge Eveleigh pointed out to us that the United States Supreme Court justice whom he most admires, having recently stepped down from the bench but still going out and giving lectures, is Sandra Day O'Connor. And we were all aware of the interesting opinion that Sandra Day O'Connor offered during the decision regarding the City of New London and the ability of a municipality to take property. And I believe that while examining Sandra Day O'Connor's opinions would put her in a position of not necessarily an individual that would always side on the side of judicial restraint, certainly, she was in the balance, probably an individual whose role is now gone to Justice Kennedy on the United State Supreme Court level. So that being stated, it's clear to me that Judge Eveleigh will certainly not try to legislate from the rarified air of our Connecticut

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State's Supreme Court chambers, offices and bench.

That being stated, I think you, Mr. President, will be pleased to note that he also understands that our Connecticut state constitution affords wider rights regarding certain areas and protections. And, in particular, I asked him about education, and he did state that he understands that the protections afforded by our state constitution to children, here in Connecticut, are wider than the ones afforded by the United States Constitution. And so, therefore, he would be in agreement, to my understanding, with some of those positions that are out there, although, he was hesitant to offer any kind of firm opinions regarding specific matters, knowing that there's a case that had certain -- recently gone to the Supreme Court that has now been sent down to the Superior Court to get further factual findings as to whether the State of Connecticut is doing everything possible to afford each and every young person a fair, balanced and excellent education, as indeed, I think we're all trying to do each and every year.

So all things stated, Judge Eveleigh seems to

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be very sensitive to issues affecting people of the state of Connecticut. He is well-versed in every aspect of the law, although, I did state what area would he consider a weakness, and certainly in areas regarding juvenile law and family law. He does not have as much experience in those areas either from the bench or in private practice as perhaps other candidates might, but he's looking forward to learning as much as he can in that respect as well.

One last point, one last point, and I think given the circumstances that occurred over the last several days it's important to underscore. When asked about the racial and ethnic disparity both within the Judicial Branch, judges, prosecutor, public defenders, marshals, every individual within the Judicial Branch, as well as the apparent disproportionate number of African-American and Latino individuals incarcerated by way of percentage of population in Connecticut, he was extraordinarily sensitive to those concerns. He indicated he had reviewed recent reports on racial and ethnic disparity in the state of Connecticut. And when I asked him

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specifically would he either if asked by Chase Rogers, our chief justice of the United -- Connecticut Supreme Court, or on his own volition volunteer, he did indicate that he would be willing to roll up his sleeves and tackle that issue and volunteer on committees and task forces within the Judicial Branch to try to remedy that.

And now is as good of time as any to speak on that issue a little bit that there were concerns regarding judicial nominees, proffered by Governor Rell. In comparison to Governor Rowland, they're fairly on par. But I had stated at a Judiciary Committee hearing yesterday and I'll state it again today that I firmly believe that the Connecticut -- that Connecticut, while making great strides, legislative, executive, and judicial branches working together, we certainly have much more that we can do. And one of our more recent judicial nominees who passed through the Judiciary Committee yesterday, an attorney named Sheridan from Manchester, indicated that while he was serving on Manchester's -- and I don't know if it's called, town council or common court. I'm not sure that executive branch

functioned for the Town of Manchester, but they wanted to have greater racial and ethnic equality in their educational system and their town offices. And they actually had to hire someone, charge them with that task and to make sure that they were accountable. And I would suggest to members of the circle that while we are facing a \$725 million or thereabouts deficit in the next fiscal year and then two gigantic deficits of \$3 billion or more for the following two that we do have a substantial budget year to year for government functions, Judicial Branch, Executive Branch, Legislative Branch, and it may not be a bad idea at this time to consider shifting resources from one area, perhaps within the Judicial Branch or perhaps the Legislative Branch, to charge an individual to try to work on that issue so that there's more balance in appointments.

And it's an uphill battle because qualified individuals that are either African-American or Latino are very much sought after -- sought after in the private sector, and those jobs pay extraordinarily well. And quite often as much as

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government jobs pay very well in certain aspects, when it comes to the higher climes of jurisprudence, sometimes the State may not be as competitive. But that being said, none of us serve here as state senators, nobody downstairs serves as state representatives for the money. They want to give back to their community. So I know there are individuals out there that money is not necessarily the driving factor. And Judge Eve -- Judge Eveleigh said that he would be interested in pursuing any kind of remedies that we can try to turn the corner regarding those issues here in the state of Connecticut.

And so with that, I stand in strong support of this nomination and urge my colleagues to support the nomination of Judge Eveleigh to our Connecticut State Supreme Court. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Any further comment?

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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Mr. President, if there's no objection, might
this item be placed on the consent calendar?

THE CHAIR:

Seeing no objection, the item is place on the
consent calendar.

The Chair will recognize Senator Fonfara for a
point of personal privilege.

SENATOR FONFARA:

Thank you very much, Mr. President.

Mr. President, members of the circle, there --
there are many days, and today being one of them,
when you scratch your head about whether you can
get through it, but there are some times when you
have the special privilege, and today is one of
them, of holding this office and being able to
recognize the good works of special people in our
communities. And today, Mr. President, I and my
good friend and colleague, Senator Coleman, who
both of us share duties of representing the City
of Hartford, have the honor and the distinct
privilege of recognizing the retirement after 28
years of service to the Hartford Fire Department,
Chief Charles Teale, who is with us here today.

Chief Teale was born and raised in Hartford.

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As I said, he joined the Fire Department 28 years ago. He was promoted to the position of lieutenant in 1987 and holds the record for promotion to this position in the shortest amount of time since the position was created in 1909. It's still a record today. He was promoted through seven levels of responsibility, named chief in 2000, only the 35th chief in the Department's 20 -- 220-year history, and only the fifth chief in that time to serve for 10 years or more.

He's maintained the Department status as one of only 41 Class-1 fire departments of the 3 -- 38,000 departments in the country. And his is an important recognition, under his leadership, structure fires declined from 366 in 2001 to 80 in 2008, due to increased educational efforts by the Department. He restored order and professionalism, overseeing the modernization of the Department, reduced cost, improved organization and stressed accountability.

He's a true historian and student of his craft. He restored the history of the Hartford Fire Department to its rightful place as guide to

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our professionalism, placed a headstone at the gravesite of William Henry Jacklyn, who was Hartford's first African-American firefighter in 1898, served as co-chair of the Hartford Circus Fire Memorial where he raised \$125,000 toward design and construction of a memorial -- memorial dedicated July 6, 2005, on the anniversary date of the fire.

Chief Teale retired on April 9th of this year. On a personal note, I would like to say that one of the things that not -- is not listed here is that the Chief -- under his leadership, the Hartford Fire Department assumed the responsibility of first responders, which has changed the manner in which Hartford residents and visitors receive emergency medical attention on a daily basis, and there isn't a person in this city who hasn't either been the beneficiary of that service or been witness to it.

The Department as -- is reflected in the leadership of the Chief is always professional, always positive, and I believe the finest fire department in this country. I'd like to yield at this time to my friend and colleague, Senator

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Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

And thank Senator Fonfara for yielding me to allow me the opportunity to be included in this recognition and tribute to one of Hartford's greatest public servants. I also want to thank Senator Fonfara and his office for coordinating this recognition ceremony and these points of personal privilege.

Mr. President, in my opinion, Charles Teale has made an -- an indelible mark on the City of Hartford and Hartford's Fire Department. His leadership as chief of the Hartford Fire Department has been characterized by many things, but I would cite his consistent and steadfast leadership, his sensitivity for the firefighters under his command. He is a gentleman and has always exhibited phenomenal integrity. And along with the support and the patience of his wife Helaine, the two of them together make a very striking couple. They've been, I think, an

admirable image of a family. And along with the patience of his children and his wife, he's been able to provide very dedicated and committed leadership and service to the City of Hartford and the Fire Department. And we are all extremely grateful for what he has contributed to the City.

Mr. President, on those occasions when Chief Teale has made appearances at the State Capitol to speak on issues related to firefighting or just to add his input concerning matters of importance to public safety, I have swelled with pride as he's addressed committees or groups of legislators or individual legislators because he's always carried himself with a respect and a credibility that just couldn't be denied. He's been very persuasive on those kinds of issues, and I think has made quite an impression when he's appeared here at the State Capitol.

So, Mr. President, I join Senator Fonfara and all of the other officials and residents of the City of Hartford in congratulating Chief Teale not only for his very admirable service but for all of the contributions that he's made during his tenure as a firefighter and, certainly, during the period

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of time he's served as Chief of the Hartford Fire Department.

And at this time, Mr. President, if I may, I'd like to yield back to Senator Fonfara who I know has some presentations which he'd like to make.

THE CHAIR:

Thank you, Senator Coleman.

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President.

And thank you, Senator Coleman.

And, Mr. President, if I could ask those who can stand, at this time if I could recognize family members and colleagues who served under the leadership of Chief Charles Teale to be recognized at this moment, as Senator Coleman said joined in addition to the Chief being here today with his wife Helaine and his daughter Kathleen Smith DeAlvarez, as well as Assistant Chief Miller; Capt. Taylor; Capt. Chance; Lt. Sargis; Lt. Horan; former classmate of mine at Bulkeley High, Lt. Kissane; Lt. Aquindo; Supervisor Repas; Firefighter Ortiz; as well as long time friend, Mr. and Mrs. Manny and Shirley Liebert. Thank you

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all for being here today.

And if I could ask -- if I could ask the Chief to come forward. I'd like to present him with a citation from the entire Hartford delegation, and it reads: "Be it hereby known to all that the Connecticut General Assembly hereby offers its sincerest congratulations to Chief Charles A. Teale, Sr., Chief, Hartford Fire Department, for the years 2000 to 2010, in recognition of your retirement after ten years as chief and 28 years of service from the Hartford Fire Department.

"You set an example of professionalism and accountability, preserving Hartford status as the only -- as 1 of only 41 Class-1 Fire Departments out of 38,000 fire departments in the country. Your commitment to education and modernization and honoring history contribute to a record of remarkable achievements and exemplary leadership.

"As you move forward to a new challenge, we thank you and know that you will continue to make a difference. The entire membership extends its very best wishes on this memorable occasion and expresses the hope for continued success."

Congratulations, Chief.

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THE CHAIR:

Thank you, Senator Fonfara and Senator Coleman.

Chief Teale, congratulations to you. Thank you for your service. Godspeed and retirement. It's great to have you and your wife and lovely daughter here today with your colleagues and your -- your great friend, the great Manny Liebert and his wife Shirley. It's terrific to have you all here. And, again, I can't underscore it enough. Thank you for your dedicated service, sir. You're a credit to the state of Connecticut. Thank you.

Are there any further points of personal privilege? If not, Mr. Clerk, please return to the call of the calendar.

THE CLERK:

Returning to the call of the calendar, calendar page 8, Favorable Reports. Calendar Number 299, File Number 62, House Bill Number 5251, AN ACT CONCERNING PAYMENT OF THE COST OF FORENSIC SEXUAL ASSAULT EVIDENCE EXAMINATIONS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

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SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Question's on acceptance and passage. Will you remark, sir?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, this legislation comes to us from the House and would simply transfer the responsibility for the payment of health care costs incurred with -- providing sexual assault evidence examinations from the Division of Criminal Justice to the Office of Victim Services. It is simply a administrative matter of which department would be paying for these expenses.

And I should note, Mr. President, that, under current law, the government would pay for any such examinations and the victim would not be required to pay for any such costs.

Thank you, Mr. President.

THE CHAIR:

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Thank you, Senator McDonald.

Will you remark further? Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I rise for an amendment.

THE CHAIR:

Please proceed, madam.

SENATOR STILLMAN:

Thank you, sir. If the Clerk would kindly call -- LCO Number 4337 and that I be allowed to summarize.

THE CLERK:

LCO 4337, which will be designated Senate Amendment Schedule "A" is offered by Senator Stillman of the 20th District, et al.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I move its adoption.

THE CHAIR:

Question's on adoption. Will you remark, madam?

SENATOR STILLMAN:

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Yes, thank you.

This amendment increases the criminal penalty for any person convicted of certain crimes who refuses to submit to the taking of a blood or other biological sample for the purpose of collecting DNA. This bill was -- did receive a public hearing and positive action overwhelmingly from the Public Safety and Security Committee. And what it does is that it transfers the responsibility of collecting that DNA to the Court Support Services Division rather than the Department of Public Safety. And, again, I move its adoption. Thank you, sir.

THE CHAIR:

Thank you, madam.

Will you remark further on LCO 4337?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Question -- a couple of questions, through you to the proponent of the amendment. My latest amendment chart has 3968 as the latest amendment -- the LCO number. This is a new one to me, and I'm just wondering what changes have taken place

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since the last filed amendment, if you know?

Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Yes. Thank you, Mr. President.

Through you, there was a clarification that was needed in line 74 -- at least that's, I think, in the same copy we have. I don't have a paper copy of the new one, which states that a person could be rearrested and so it's just changed to be that they need be arrested if they refuse.

Through you, sir.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And, through you, this is sort of completely different than the underlying bill. So I -- I'd actually -- I'm wondering what the -- the germaneness is of the amendment to the underlying bill. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

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SENATOR STILLMAN:

Thank you, Mr. President.

I think if you look at the language in -- starting on line 6 and then again in Section B, so we're looking in Sections A and B, it does reference "sexual offenses." And this -- it does have to do -- the underlying bill does have to do with sexual assaults, and it is the collection -- and it is the collection of DNA, as well as biological samples. And that is referenced in the underlying bill so I -- I do believe it is germane, sir. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I appreciate that answer. And, also, I'm just wondering why the shift from Public Safety to Court Support Services? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

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Yes, thank you. Through you, Mr. President, this is a re -- was a request of not just the -- of the Department of Public Safety in collaboration with the Public Defender's Office. The issue lies in the fact that if the DNA or other biological samples can be collected in the courtroom, as opposed to trying to find someone, we'd have a greater chance of collecting those samples for reference for future crimes. Through you, sir.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And through you, Mr. President, how is it anticipated that Court Support Division would do this in a courtroom? Back when I was engaged in private -- well, I'm still engaged in private practice law -- but back when I was a special public defender, I remember -- and, actually, I did criminal law privately as well -- but, for example, the vast majority of cases are heard at the GA level. There's usually hundreds of matters on a daily basis that go through there. Some of them would probably

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subject individuals to this treatment; other cases probably would not rise to that level. And I'm just wondering whether it's anticipated that these tests would be offered -- I can see if an individual wasn't able to post bail, they would in the lock-up section of the courthouse and probably it could take place there, but if they were out on bond or -- and they were just in the audience, how is it anticipated that this process would take place because I'm not sure in a lot of our courthouses that there's kind of area to submit a person to some kind of DNA or otherwise biological testing. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir.

Through you to the Senator, according to the testimony that we received for this bill, first of all, the Department of Public Safety has only a single collection point in Middletown in the state, and the Court Support Services Division has more collection points, as well as a greater judicial access. And they believe that because

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the Department of Public Safety has a 60 to 80 percent failure-to-comply rate due to the fact that they only have one answering point that this would make the collection of this evidence easier and more likely, and that the Court Support Services Division has -- has stated that they would be making sure that there is an appropriate place within the courthouse to collect the DNA or other biological sample that's needed.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Through you to the proponent of the amendment.

So it's my understanding that Court Support Services Division is willing to take this on and that they're now pushing back as far as taking over the responsibility for this function.

Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir. Through you, that's correct.

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Senator Kissel.

SENATOR KISSEL:

Thank you very much. And so this substantially -- this amendment substantially mirrors a bill that had been heard in the Public Safety -- and I think you -- you guys also are like Homeland Security too -- committee. Did it not get voted out of the committee? Through you, Mr. President.

THE CHAIR:

Thank you, Senator Stillman.

SENATOR STILLMAN:

Yes, thank you, Mr. President.

Through you, it was unanimous. And it was JF'd to the Judiciary Committee, but I believe it was sent there before your JF deadline and so I think it got caught up in that last minute flurry of activity.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. As so many bills in this building do get caught up in that last minute flurry of activity.

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And also, through you, Mr. President, it's also my understanding that this amendment would also enhance the penalty for an individual that refuses to submit to this testing. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Yes, thank you, sir, that is correct. Through you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And would this also apply to individuals that are convicted and are within the -- about to be sent to a term of years in our Corrections Department such that if they had been charged, found guilty, either through plea or a guilty verdict, they've been sentenced and now, as part of this, they would now have to submit and they refuse to submit that the State would have an ability to bring further charges to be tacked on to whatever sentence they're about to be -- to serve. Through you, Mr. President.

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THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you,. sir. Yes, through you, that is correct.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Well, I -- I have no further questions for the proponent of the amendment. This is definitely something I want to co-sponsor because I believe in the entire initiative that came out of the Public Safety and Homeland Security Committee. We've been grappling with this issue over the last several years in our Judiciary Committee. And, certainly, what we have found is that with this DNA and biological testing, not only do we make sure that justice is better served because we exonerate individuals that might be cleared of pending charges, but, at the same time, while we may be pursuing cases against individuals that are wholly innocent and that this DNA and biological information can prove their innocence, at the same

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time the bigger we create this database of information, the more we can bring in individuals that may have been not pursued in the criminal justice system that should be pursued and that through this testing mechanism, we'll be able to make sure that the right culprits and the right individuals are given the appropriate charges and that justice can better be served. And so there's a couple areas in our state where I think that we can do a better job. The whole DNA database and -- and evidence collection creating the widest possible set of data possible that's in our best interest.

But another area, I would just -- since I have this opportunity to suggest to the good chair of the Public Safety and Homeland Security Committee, perhaps, for action next year, is that I have toured the State Criminal Forensics Laboratory. It's my understanding that municipalities are supposed to send in weapons to them for ballistics to create a ballistics database and that some -- and I won't pick on certain cities -- but some places are better at doing this than others. But to the extent we don't have 100 percent

cooperation, we're missing out on the ability to cross-reference that ballistic information. And I would only suggest given that God willing we're both here in the circle next year that would be an area that would be fruitful, too, because to the extent that we can increase that database and get better cooperation from all municipalities in the state with guns that they collect from arrests that they make, we can go and use that ballistic comparison to weed out individuals that may have been being pursued incorrectly but also to cross-reference and match individuals in the system to find out perpetrators of crime that have sort of gotten off the hook through -- through no effort -- through luck. And again, our technology has actually raced ahead of our ability to feed it the information, and I just throw that out there because it was something I've learned in the last several months, and it's -- I just shook my head and said, how can we possibly -- we need to strive to get 100 percent cooperation from all municipalities. Some of them have financial problems; some of them say that, you know, there's a disconnect, but that's a whole other area that's

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similar to this that could better serve the public safety of everyone in the state of Connecticut.

So with that I'm happy to support the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further on the amendment?

Senator McDonald.

SENATOR MCDONALD:

Yes, Mr. President.

Just very briefly to rise in support of the amendment and let members of the circle know that this is an issue that the Judiciary Committee has taken up in the past and, unfortunately, because of the press of business this year, we were not able to reach the Public Safety Bill that had been referred to us given the time and constraints we had. If we had had that opportunity, I would have happily supported it then as I do now.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on LCO 4337? If not, all those in favor indicate by saying aye.

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SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

Ayes have it. The amendment passes.

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, rising in support of the underlying bill, specifically, Section 1, which we have not been talking about, making sure that the victims of sexual assault continue to have every possible form of defense as they move through the legal system is an absolute critical imperative for the State of Connecticut. And I was proud last year to work with Representative Deborah Heinrich to actually pass our new SAFE/SANE Program which is going to allow for sexual assault forensic examiners to actually collect DNA evidence that can later be used against those who have been accused of sexual assault to make sure that victims have enough evidence to have an air-tight case against their assailers. And I believe that this underlying bill in Section 1 is

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going to continue to ensure that this funding is there. It is a technical bill in its nature of where the funding is going to come from, but it continues to support the current policy of not charging the victims for these DNA tests but rather having the State pick up the bill for it which is, I believe, the proper role of the State to protect the victims of sexual assault. So I stand today in favor of this bill and urge its adoption. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill as amended?

Senator McDonald.

SENATOR MCDONALD:

Mr. President, if there's no objection, might this item be placed on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 9, Calendar Number 372, File Number 69 and 544, House Bill Number 5252, AN ACT

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CONCERNING THE PRETRIAL ALCOHOL EDUCATION PROGRAM
AND THE PRETRIAL DRUG EDUCATION PROGRAM, as
amended by House Amendment Schedule "A," favorable
report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint
committee's favorable report and passage of the
bill in concurrence with the House.

THE CHAIR:

Question's on acceptance and passage in
concurrence.

Please proceed, sir.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, this bill simply requires the
Court -- the Court Support Services Division to
keep certain records regarding persons who are
participating in the Pretrial Alcohol Education
Program for ten years as opposed to the current
six years. CCSD already requires that records be
kept for ten years for individuals who participate

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in the Pretrial Drug Education Program, and this legislation is predominantly intended to bring our Alcohol Education Program into conformity with existing practice for drug education programs. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

A couple questions, through you to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR KISSEL:

Thank you, sir.

Number one, I understand that the idea is to keep it at -- sort of make it parallel with ten years for both programs as opposed to seven, but I'm wondering what the net result of that is for the people of the state of Connecticut. I mean, why would we care if these records are being kept 10 years, 15 years, 7 years? Just wondering.

Through you, Mr. President.

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THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, we received in the Committee Public Hearing, as I'm sure as Senator -- Senator Kissel will recall, the testimony of Dr. Michael Norco from the -- who's the director of Forensic Services at -- at the Department of Mental Health and Addiction Services.

And it was his opinion and testimony that this legislation was necessary to really just to bring the two into conformity, because, frankly, if you think about it, alcohol is, in fact, a drug, and the Education Program's of -- for other drugs are similarly required to be retained for 10 years. I don't believe it was considered to be anything more than just bringing the two into conformity for administrative convenience. Through you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

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Thank you very much, Mr. President.

And I appreciate that statement. In fact, I do recall that public hearing because I remember wondering if Dr. Michael Norco was related to Judge Norco and what a family that would be if one was a judge and one was a doctor, but I never got a chance to ask them if they were all related, but I do definitely remember that afternoon. And I do believe that parity, at least as far as the holding of records, probably makes an awful lot of sense.

It's my understanding that another part of the underlying bill, as well, waives fees for indigents that -- and I believe was at the subject of the House amendment making it a waiver rather than being paid by the pretrial account, and I'm wondering if that had any fiscal note attached to it. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, the -- yes, I just want to make sure I had the right fiscal note. According to

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the fiscal note, there is no fiscal impact.

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

That being stated, and I understand this is a Department of Mental Health and Addiction Services bill, I think there's nothing wrong with parity. There's no fiscal impact on our otherwise yawning state budget deficit, and for those reasons I have no problem supporting the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further?

Senator McDonald.

SENATOR MCDONALD:

Mr. President, if there's no objection, might this item be place on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

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Calendar page 10, Calendar Number 383, File
Number 68 and 548 Substitute for House Bill 5249,
AN ACT CONCERNING CONFIDENTIALITY OF CERTAIN
DOCUMENTS AND RECORDS IN PSYCHIATRIC SECURITY
REVIEW BOARD PROCEEDINGS, as amended by House
Amendment Schedule "A," favorable report on
Committees on Judiciary and Government
Administration and Elections.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint
committee's favorable report and passage of the
bill in concurrence with the House.

THE CHAIR:

Question's on acceptance pas -- and passage in
concurrence. Will you remark, sir.

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, this bill clarifies that the
confidentiality of certain mental health
information about people under the supervision of
the Psychiatric Security Review Board after being

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acquitted of a crime due to a mental illness or defect and makes clear that when an acquittee has psychiatric records that they are not typically public records but psychological or psychiatric information used in the -- as evidence in a public hearing concerning the acquittee's release or conditional release, or, otherwise, their temporary leave is not confidential.

Also, Mr. President, the bill clarifies that temporary leave in these circumstances is a matter in which the psychiatric or psychological records may be utilized as evidence in a public hearing or other court proceeding. Through you, Mr. President.

THE CHAIR:

Thank you, Senator McDonald.

Senator Kissel, you seek the floor.

SENATOR KISSEL:

Yes, I do, sir. Thank you, Mr. President.

THE CHAIR:

Please proceed.

SENATOR KISSEL:

Question, through you to the proponent of the bill. I understand this bill is originally

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offered the Department of Mental Health and Addiction Services. I guess -- I guess I -- by way of predicate background, acquitted -- this entire process, who would be the individual subject to this process? Are these people that plead not guilty by reason of insanity? Is that who we're about here? Or what other kinds of matters where -- would this bill apply to? Through you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McDonald, do you care to respond?

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, through you, this would apply to individuals who are acquitted of a crime because of their mental disease or defect. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And so, again, they're acquitted because they have mental disease or defect. Does that mean that they would have had to have gone

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through a trial or is this someone -- something
that someone could plead to? Through you, Mr.
President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, this would be the result of an
acquittal by a court because of the mental disease
defect and would apply to individuals who,
notwithstanding that acquittal, have been remanded
to the supervision of the Psychiatric Security
Review Board for ongoing services. Through you,
Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So through you, Mr. President, would these
individuals be considered criminally insane?
Through you, Mr. President.

THE CHAIR:

Senator McDonald.

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SENATOR MCDONALD:

Through you, Mr. President, that's not a typical term used anymore in the criminal justice world but in colloquial terms that might be accurate, through you, but had not been con -- they have not been found guilty of the crime because they lacked the mental capacity to be guilty of the -- the scienter, if you will -- for any criminal act. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. So they wouldn't have the substantive mens rea to commit the underlying criminal act.

Nonetheless, these are very problematic cases because quite often there's not a question as to whether the individuals committed the act. The analysis has to do with whether they had the mental capacity to understand what they were doing. So even if these individuals are acquitted, is it my understanding that quite often they are still in secure facilities or closely monitored if released into the public? Through

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you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, they can often times be under -- under programs that are administered by the state in supervised settings. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And -- and I believe once upon a time the City of Norwich -- I think they had an institute for the criminally insane -- I believe and that's where the term came from. I'm -- I'm sort back in my history. I guess, politically correct terms of art and better definitions have -- have moved forward into this twenty-first century. But do we have -- what are the facilities the State of Connecticut has now for these individuals? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

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SENATOR MCDONALD:

Through you, Mr. President, I don't know that I've got an exclusive list, but the most common one is the Whiting Forensic Institute. Through you, Mr. President.

THE CHAIR:

Right in my district.

Senator Kissel.

SENATOR KISSEL:

Very good, Mr. President.

And through you, Mr. President, does -- I guess when it comes to releasing health -- health information, does the individual who has been acquitted have to sign off on the release of this otherwise confidential health information, or does the bill anticipate that because it will be deemed nonconfidential that the individual does not have to sign a waiver or otherwise consent to the release of their health information? Through you, Mr. President.

THE CHAIR:

Senator -- Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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That's exactly the purpose of this legislation. Under current law, that information would be nonpublic record and would be prevented from disclosure pursuant to a privilege under the law for psychologic -- psychologist or psychia -- pardon me -- psychiatric or psychologist-patient privileges. And this would make it clear that those privileges would not apply in these limited circumstances because of the substantial governmental interest involved. Through you, Mr. President.

THE CHAIR: AL

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And through you, given the fact that these individuals are being acquitted of these criminal charges due to lack of mental capacity, would some of these individuals have guardians acting on their own behalf or in charge of some of their decisions, and would those guardians have an ability to object to the release of this information? Through you, Mr. President.

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THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, it is certainly possible that in some circumstances there might be a conservator or guardian appointed for the individual, but they would not -- in my understanding of the law in this legislation -- such an individual would not have standing to challenge the confidentiality of the records given the important public purpose served by the legislation. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Would these -- would this -- would the ambit of this law allowing the release of these medical records, especially these records as pertain -- pertaining to a individual's sanity or insanity, mental health and all its ramifications, if these records were, in part, originally private, in other words, if the investigation into the individual charged with a crime brought in private otherwise private and

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confidential mental health records and then the State did some of their own investigation, is it contemplated by this legislation that all of those records upon acquittal because of mental defect or disease would then be released to the public?

Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, my reading of the legislation, Senator Kissel, is that it would apply to any psychiatric or psychological reports that were in the possession of the board, whether produced by the board or otherwise obtained by the board would be not -- nonpublic for purposes of -- of this legislation. Through you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Just a few more questions to the proponent of the bill. Have rep -- does the file indicate, if at all, whether individuals from advocacy groups

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for those with mental health issues, have they had a opportunity to collaborate and participate on this particular proposal or otherwise offer their opinion regarding the status of mental health records for these individuals? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, well, first, I should note that -- that Dr. Norco is the director of Forensic Services at DMHAS, has a very keen interest in -- in making sure that these issues are fully vetted, if you will. In addition, we had the executive director of the Psych -- of the Psychiatric Security Review Board testify in favor of the legislation, as well as the state's attorney from the Judicial District of Danbury. And to my knowledge, Senator Kissel, when we had this public hearing, those are the only individuals who testified. We received no testimony in opposition of which I'm aware.

THE CHAIR:

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Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

One last question, I know that there's some really strong federal protections for -- for health records for individuals, and I believe that the concerns and protections are even more heightened when it comes to records that affect psychi -- psychiatric and psychological reviews because they have far-ranging consequences, not only on the individual who's subject to that review, but I would guess their spouse and their children and everybody else associated with them, and has this proposal been analyzed with an eye toward federal constraints on the release of this kind of medical data. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

I believe I know the answer, Mr. President, but could I stand at ease for one moment?

THE CHAIR:

The chamber will stand at ease.

[Chamber at ease.]

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THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

And I appreciate the indulgence of the chamber. It was worth it, though, because my understanding was only half-cooked. I have -- now have the benefit of further collaboration on the issue, and I can report to Senator Kissel that when an individual asserts the defense of -- of being not guilty by reason of mental disease or defect, one of the things that they are giving up is their right to assert any confidentiality for the records under federal law. Through you, Mr. President.

[Senator Coleman of the 2nd is in the Chair.]

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Mr. President, great to see you this afternoon.

THE CHAIR:

Always a pleasure to see you, sir.

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SENATOR KISSEL:

Thank you, sir.

Well, I have no further questions for the proponent, but I would say that certainly his last answer was -- was half-cooked but certainly not half-baked, and I appreciate him fleshing it out and that makes perfect sense.

And I guess this is what we all used to know as not guilty by reason of insanity, now it's not guilty by reason of mental disease or defect which is probably a more sensitive phrasing of the issues underlying the situation, certainly, wide-ranging consequences, but it makes perfect sense that an individual by reason of this kind of pleading would have to give up certain rights both within the state of Connecticut and on the federal level.

I appreciate the kind indulgence of the co-chair of the Judiciary Committee in answering my questions, and all my questions have been answered. And I -- I'm happy to support this bill which, indeed, was a recommendation of the Department of Mental Health and Addiction Services. Thank you very much, Mr. President.

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THE CHAIR:

Thank you, Senator.

Would you care to make further remarks? Are there further remarks? If not, Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, if there's no objection, might this item be placed on the consent calendar?

THE CHAIR:

Without objection, so ordered. This item may be placed on our consent calendar.

Mr. Clerk.

THE CLERK:

Calendar page 11, Calendar Number 402, File Number 580, Substitute for Senate Bill 447, AN ACT CONCERNING THE APPOINTMENT OF A GUARDIAN AD LITEM FOR AN ADULT WHO IS SUBJECT TO A CONSERVATORSHIP OR CONSERVATORSHIP PROCEEDING, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint

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committee's favorable report and passage of the bill.

THE CHAIR:

On acceptance and passage, do you care to remark further?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, I believe the Clerk is in possession of LCO Number 4387. I ask that be called and I be granted leave to summarize.

THE CHAIR:

Was that LCO 4387?

SENATOR MCDONALD:

Yes, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4387 has been designated Senate Amendment
Schedule "A." It's offered by Senator McDonald of
27th District.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Mr. President, I move adoption of the

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amendment.

THE CHAIR:

Question is adoption of Senate "A."

Do you care to remark further?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, this is a strike-all amendment, and is the result of a very productive collaboration by all of the parties in interest, in particular, the Probate Court Administrator, the Department of Mental Health and Addiction Services, Connecticut Legal Rights Project and Legal Services, all collaborated on this amendment. And it basically deals, Mr. President, with the circumstances under which a judge would be allowed to appoint a guardian ad litem for an individual who was part of a probate court proceeding and the individual had been declared incapable of caring for himself or herself and would limit the instances in which the probate judge could appoint a guardian ad litem and in the ways that are enum -- enumerated in the amendment. I believe it's a good collaboration and I want to thank all of the parties who participated in

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bringing it forth.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

A few questions, through you to the proponent of the amendment.

THE CHAIR:

Please frame your question.

SENATOR KISSEL:

Thank you very much, Mr. President.

I understand that the amendment would become the bill so this will be the period of time to ask questions.

First of all, for my constituents who may be watching this on CT Network or, otherwise, catching it on -- in the news broadcast, I remember years ago when serving on the Judiciary Committee, we actually initiated -- and I was instrumental in initiating the notion that we needed to statutorily codify the notion of what's a guardian ad litem, but a lot of folks don't know what a guardian ad litem is or what kind of

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underlying case a guardian ad litem might be used for. And so suc -- because this underlying amendment has to do with limitations on the appointment of a guardian ad Litem, I'm wondering, Mr. President, through you, if Senator McDonald might indulge us a little bit with very briefly indicating what kind of cases a guardian ad litem might be utilized in. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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Through you, a guardian ad litem is an individual appointed by a court during the pendency of a court proceeding who is charged with the responsibility of safeguarding the interests of an individual who is otherwise incapacitated or in a condition that is -- prevents that individual from sufficiently protecting his or her own interests during the pendency of the court proceeding. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much.

So if an individual is not capable of making their own decisions or that there was some questions regarding that, certainly, I can see how the ambit of that would extend to individuals that might have some kind of mental disability or something of that nature. But would the notion of a guardian ad litem also apply to those in tender years, children, children that may not be a party to a suit or children that might be affected by a suit, for example, in a dissolution of marriage action, if there was a 13-year-old child and that child was directly impacted by that dissolution of marriage, would that possibly be a matter where a guardian ad litem might be appointed? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, that is a very common situation where a child's interest would need to be protected during the pendency of a court proceeding even though that child may not be

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directly a party to the proceeding but could have his or her interests impacted as a result of the underlying litigation. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And so my question is, is what this bill trying to get its arms around this, I have heard through some of my constituents and colleagues here in the building that there are court cases where an individual, be they a child, a minor, or an individual that otherwise may have concerns regarding their ability to make decisions, has a conservator, may also have an attorney, and yet we've seen a process where a guardian ad litem is also superimposed on that situation, thereby creating three individuals looking out for the best interest of that person and all the costs attendant thereto. And if there is a finite pie as far as ability to pay for court proceedings, it would seem to me that that's a bit of an over kill and is what this amendment trying to get to those

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situations where a court could make a determination that the individual, be they a minor or another individual whose ability to make decisions, is subject to some concern that their rights are adequately protected and vindicated because that there are other individuals involved in the court process in a capacity to take care of those rights. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, well stated.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And one last question, I'm just wondering by way of if someone is a judge and they need to make this determination, does the amendment speak to some of the criterion that the judge would look to in making that determination? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

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SENATOR MCDONALD:

Thank you, Mr. President.

Through you, yes, Senator Kissel. If under this amendment if a judge is appointing the guardian ad litem, the judge must consider several factors, including limiting the scope and duration of the appointment, could also direct the guardian to take only specific actions required to address specific questions posed by the court and to undertake a course of action that would result in the least restrictive interference with the individual's rights among others. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

And I apologize, I know I said that that was my last question, but the answer, actually, another couple of questions popped into my head. I'm wondering if an attorney is involved in a case right now where they feel that the appointment of the guardian ad litem is not really helping matters and is sort of bogging down the

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proceedings or unnecessary in having an additional cost, is this bill effective upon passage, A; and, B, do -- does the Judicial Branch have to promulgate rules in the Practice Book or something like that before this particular bill can be effective? And I guess, what I'm driving at, ultimately, is there might be some attorneys out there involved in litigation, they see this bill and they go, yes, I only wish that this was around a year ago. Is there any way that they can sort of avail themselves of some of this new found latitude to perhaps petition the court to relieve an a guardian ad litem of their responsibilities and put the issue right before the judge as to whether it's necessary going forward or not?

Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Under the amendment, it would become effective on October 1st and would allow for the members of the bar to learn about this type of thing to plan for it, and I have to say that the Bar Association

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and the Probate Court Administrator's Office, as well as others, have a substantial task every year after we are done with our business here figuring out what we've done and understanding how it would impact in the real world in modifying policies and procedures to implement the public policy initiatives we've decided here. So this legislation wouldn't take effect until October of this year. Through you, Mr. President..

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And even though it would take effect October 1st, again, does it necessitate any changes to the Practice Book or the rules or as of October 1, this is the law of the land and a court could -- a judge could take action provided that a attorney provided the proper motion before he or she to take action? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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Through you, the legislation doesn't require any sec -- such rules be promulgated, but one of the things that happens after we are done here, at least in the Judicial Branch, is that they review legislation and, if necessary, make proposed amendments to the rules which are adopted at the -- I believe it's the June meeting of the judges of the Superior Court. I can't represent -- I know the time line for changes in the probate court administrative process for rules, but I do know that if something was so substantial and -- and new that it required some kind of immediate action, such rules could be adopted pretty quickly. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Would it be possible with the indulgence of the Chair just to stand at ease for 30 seconds?

THE CHAIR:

The chamber may stand at ease.

[Chamber at ease.]

SENATOR KISSEL:

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I'm good but I'm not that good.

THE CHAIR:

Senate, please come to order.

SENATOR KISSEL:

Thank you very much, Mr. President --

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

I -- I have no further questions at this time.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, if there's no objection, might
this item be placed --

THE CHAIR:

We're on the amendment, Senator.

SENATOR MCDONALD:

Ah, I apologize, Mr. President.

THE CHAIR:

That's my fault.. I lost track as well.

Any further remarks on Senate Amendment
Schedule "A"? Any further remarks? If not, the
Chair will try your minds. The item before the

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chamber is Senate Amendment Schedule "A."

All in favor please indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say nay.

The ayes have it. Senate "A" is adopted.

Will you remark further on the bill as amended?

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, now if there's no objection, might this item be placed on the consent calendar?

THE CHAIR:

Is there objection to place this item on consent calendar? Is there objection? Seeing none, so ordered. This item may be placed on the consent calendar.

Mr. Clerk.

THE CLERK:

Calendar page 13, Calendar Number 439, Files Number 561 and 625, House Bill 5377, AN ACT

ADOPTING THE UNIFORM UNSWORN FOREIGN DECLARATIONS

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ACT, as amended by House Amendment Schedule "A,"
favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint
committee's favorable report and passage of the
bill in concurrence with the House.

THE CHAIR:

The question before the chamber is acceptance
and passage in concurrence.

Will you remark further?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, this legislation comes to us as
a proposal from the Connecticut Bar Association,
and, in particular, from its International Law and
Practice section. Mr. President, this is a model
uniform act that has been adopted by a few states
and is intended to deal with circumstances where
individuals need to provide information that would
be executed or signed under oath in a foreign
jurisdiction but that they would not be otherwise

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able to have it done by a notary public and this provides a protocol adopted by the Uniform State Laws Commission of the National Conference of Law Commissioners to come up with a situa -- a solution to that problem and, in particular, we were told in the public hearing that this situation, though rare, does result as a -- as a consequence of certain embassies and consular offices not having ready access to individuals as a result of security concerns and tightened security that has resulted in those consulates and embassies after the disaster of 9/11. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

A few questions, through you to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR KISSEL:

Unsworn foreign declarations, is what we're talking about here documents where, if they were

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in Connecticut, what we would typically require is the certification by a notary public or by practicing attorney? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Yes, through you, Mr. President, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And I recall somewhere in the recesses of my mind this notion in the Secretary of State's Office that comes up every once in a while, apostilles. And I'm wondering if -- if what we're about with this bill has anything to do with the Law of apostilles? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, I don't know the answer to that, Senator Kissel. I certainly don't consider myself an expert on the Law of apostilles.

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THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

All -- the only reason I raise that is occasionally in the Judiciary Committee we get a proposal by the Secretary of State regarding modifying our laws regarding apostilles every once in a while, and I had asked several years ago what apostilles was about, and I think it had something to do with documents executed in a foreign country being recognized in our state. And it struck me that perhaps there was some relationship between that and unsworn foreign declarations being recognized in our state. I remember when Robert Farr, who's currently the chairman of the Board of Pardons and Paroles, and I served as ranking members on the Judiciary Committee. One of his nuggets of truth -- and I followed through and he tends to be correct -- is that whenever we're dealing with a uniform act, it is only uniform in that it is not uniform from state to state to state. Essentially, what he indicated takes place is that there's the promulgation of a uniform act,

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but then each state takes that and carves into it some variations to make it more particularized for the purposes of that individual state.

What is basically being proposed through this uniform act, in other words, what are some of the indicia of authenticity that would be required for foreign documents being sworn to outside the ambits of the State of Connecticut? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you to Senator Kissel, under the legislation, an individual who would be filing such a declaration would have to do it in conformity with Section 6 which would require that the individual acknowledge the execution of the document, would be under penalty of perjury under the law of this state, and even though the individual is not located without -- within the jurisdiction of the state that the individual would be subject to prosecution for perjury in the state if -- if anything in the document, so

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executed, was found to be incorrect and known to be untrue at the time that it was executed. I should also just mention briefly that though I don't express any expertise in the laws relating to apostilles, it is something that is pursued under the Hague Convention. And, in particular, there's a specific Hague Convention that abolishes the requirement of legalization of foreign documents but that typically requires an individual to administer an oath under the Hague Convention provisions. This would not require the administration of an oath because in some circumstances there -- there's nobody who is available to administer that oath. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So we're sort of cra -- sort of grafting on to our current set of laws a penalty and that penalty is the crime of perjury. And an individual is subjecting themselves to possible prosecution for perjury if outside the territorial boundaries of

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the state of Connecticut they swear to a person's signature. And I know here, in Connecticut, we have certain safeguards above and beyond an individual taking a lit -- a test and being qualified as a notary public or being a -- an attorney. What safeguards would there be, if any, required of an individual, for example, in the Hague, in the Netherlands, taking an oath or -- or -- or certifying to someone's signature, does -- does this require them to check for identification? Some kind of proof from the individual that they -- he or she is who they are? Because perjury the way you've defined it -- and I believe it's the way it is in the statutes -- brings with it a certain scienter or mens rea that one at least knew or should have known, and if we're going to rely on knew or should have known, what would be reasonable activities on the part of the person who's acknowledging the signature that they should have at least looked -- I mean it -- should they at least ask for identification? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

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SENATOR MCDONALD:

Through you, Mr. President, to Senator Kissel, if I wasn't clear, this is an unsworn foreign declaration, meaning that the individual is not physically located within the boundaries of the United States or any of its territories or insular possessions. And the -- under this act, the individual would be executing a document without provide -- without doing so in front of another individual. It would essentially be a self-proving authentication acknowledging that the individual is outside of the jurisdiction of the United States and is ex -- executing the document for use within this state and with the full knowledge that they would be subject to a charge of perjury under the laws of the state if any of the information is not correct or true.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

There's a -- there -- I'm just wondering, there's a term that Doc Gunther used to use all the time, "paper tiger," saying that it looks good

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on paper but it has no teeth. I'm wondering if someone's outside the jurisdiction of the State of Connecticut, their acknowledgement that they might be subject to perjury, but we would have no ability to extradite them to Connecticut, would we? In other words, let's say that clearly they have nefarious intentions, desires, and that someone's out there doing this, flaunting the law, do we have an ability to hall them over to -- to the State of Connecticut and charge them with perjury, or would they have to do something else for us to be able to obtain jurisdiction over them? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you, such an individual would be subject to a charge of perjury and could be extradited under a different Hague convention -- Convention for an extradition from a foreign country to the United States. So I don't think that's -- there may be some interesting legal issues relating to this legislation, but I don't

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believe that should be too much of a concern. We would still have the ability to extradite somebody if they perjured themselves.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Just one last question, through you to the proponent of the bill. What kind of business transactions does this particularly involve itself with if Senator McDonald knows?

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, this would apply to any situation where a document required that it be sworn to for purposes of its use in the state of Connecticut but that individual was physically located outside of the country.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. No further questions.

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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank -- thank you, Mr. President.

I have concerns that I've addressed briefly with Senator McDonald about this bill. In my former law practice, I used, as lawyers do, foreign affidavits and declarations quite frequently in business transactions between companies located in different countries and, also with respect to family practice, child custody agreements would be signed. And there are a whole variety of places in which -- situations in which a document, particularly an affidavit, will -- will be signed in another country. And the protection that we've had for those has been that the person in the other country must have the document signed in front of an American consulate or a member of the embassy team, the American Embassy team. And so you have the authentication through that kind of process.

This bill presumes -- and this is what I'm sure its benefit is that the person who's signing a declaration or an affidavit is located nowhere

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near an embassy or consulate, way out in the woods
someplace or the desert or someplace where it'd be
highly inconvenient to -- to get that kind of a
notarization by the American Consulate or Embassy.
I -- I think that an unsworn declaration by a
person in another country over whom we have no
jurisdiction in Connecticut is inherently
dangerous, and so I think, on balance, I'm going
to vote no on this bill subject to any further
dialogue or further comments by Senator McDonald.
Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Are there any further remarks? Any further
remarks?

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

I would urge Senator Meyer to reconsider his
position. The issue that is addressed by this
legislation is the result of -- the direct result
of -- individuals not being able to gain access to
embassies or consuls because of heightened
security in many foreign countries where the

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access of individuals into an American embassy or consulate is precluded because of security reasons. That's also to presume that a embassy or consulate was nearby, and, certainly, that is not true in many parts of the world. Embassies and consulates are located typically in -- in either capitals or major metropolitan areas of a country. And certainly that is not true in many foreign countries where individuals might be located. So this is an issue that has been addressed on a national level by the National Conference of Commissioners on Uniform State Laws and was adopted by them to address what has become apparently a more pressing legal need for the -- for the -- some workable solution to a very difficult problem. So with all due respect to the issues that are raised by Senator Meyer, I would urge adoption of the -- of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank -- thank you very much for the second

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time. And along the lines of what Senator McDonald indicated, although I do respect the views of Senator Meyer, especially given the great wealth of legal experience he's had regarding this, while I'm not familiar with the embassy situation either in New York City or in Washington, I have it on good account that in the city of London that Embassy Row which is located next to Kensington Gardens that in -- there's high, high security. You cannot walk along that street with a camera. There are individuals stationed on either end with submachine guns, and I believe that that might be an impediment to obtaining documents being signed by individuals in those embassies. Granted that's not where the American embassy is located but, certainly, there's a sense of heightened security throughout foreign capitals where we do an awful lot of business relations, business enterprise. My guess is that it probably would be similar in South American nations, as well.

Unfortunately, the world has changed, not only since 9/11, but indeed, in Great Britain after the tube bombings that occurred just one or two days

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after the determination that London would be the next spot for the Summer Olympics. So they've gone through an awful lot of terrorism recently and have taken precautions.

United States has gone through an awful lot of terrorism and are taking precautions. My guess is that other foreign capitals are as well and that probably is -- is probably a real impediment to the way of life that Senator Meyer was able to practice law and probably not that long ago. Through you, Mr. President.

THE CHAIR:

Will you remark further? Will you remark further? If not, the Chair will ask the Clerk to announce that a roll call vote is in progress in the Senate.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Thank you, Mr. Clerk.

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The machine is opened.

Have all Senators voted? Please check the board to make certain that your vote is properly recorded. If all Senators have voted, the machine will be closed. And would the Clerk please take a tally.

THE CLERK:

Motion is on passage of House Bill 5377, in concurrence with the House.

Total Number Voting	35
Those voting Yea	34
Those voting Nay	1
Those absent and not voting	1

THE CHAIR:

The bill has passed.

Mr. Clerk.

THE CLERK:

Calendar page 15, Calendar Number 452, File Number 533, Substitute for House Bill 5376, AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

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SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

The question before the chamber is acceptance and passage. Will you remark further?

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, lest anybody in the circle believe that our attorneys in the off session don't do important work, this 126 page technical revisor's bill has been a big piece of work by many of the attorneys in LCO providing technical corrections to various statutes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

To assure my colleagues in the circle that we are not filibustering any bills this afternoon, I will state that once upon a time I can recall standing in the chamber here where a former

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colleague of mine, Senator George Jepsen, brought out such a hundred-plus page bill. At which point and time I began asking him questions about each individual section that was technically revised and that took upwards of several hours until certain issues were resolved by individuals at a higher pay grade than I certainly was at that time. So to everyone's probably great relief, I will not be asking Senator McDonald to go over each and every one of the technical revisions to our statutes located in the over 100 pages of the underlying bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Are there further remarks? Further remarks?
If not, Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

It is with a grateful heart to Senator Kissel that I ask that if there's no objection, this item be placed on the consent calendar.

THE CHAIR:

Without objection, this item may be placed on the consent calendar.